

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: May 28, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 028-19 FOR 6/2/20 CLOSED-
SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On () Off (X)</u>	<u>Uniform-Yes () No (X)</u>
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Outside City	6/14/19	7:45 p.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Sanchez, S./PO II	7 years, 1 month
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Total Involved Officer(s)

1 x PO II

<u>Suspect(s)</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Kenneth French: Male Other, 32 years of age.

COP Recommendations

Tactics – Administrative Disapproval, Officer Sanchez.

Drawing/Exhibiting – Out of Policy, Administrative Disapproval, Officer Sanchez.

Lethal Use of Force – Out of Policy, Administrative Disapproval, Officer Sanchez.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Synopsis: An off-duty Los Angeles police officer, who was shopping with his family inside the Costco Wholesale Warehouse in the City of Corona, was struck on the head by another individual. The unprovoked attack resulted in an Officer-Involved Shooting (OIS) (Investigators' Note No. 1).

Annotated Force Investigation Division (FID) Incident Summary¹

On Friday, June 14, 2019, at approximately 1900 hours, off-duty Police Officer II Salvador Sanchez, Serial No. 41084, was at the Costco Wholesale Warehouse located at 480 North McKinley Street in the City of Corona, with his wife, Rosemary Sanchez, and their 18-month old son Noah.² Officer Sanchez and his family went to Costco to obtain a membership and shop for groceries.³

According to Officer Sanchez, he was shopping with Rosemary when their son began to get "fussy". He believed his son was hungry and decided to get him a food sample. Officer Sanchez walked to the Aidells food vendor booth, where sausage samples were being offered. Rosemary stated that as her husband and son walked toward the food vendor, she separated from them to shop for other items.

As Officer Sanchez stood in front of the Aidells booth, he held his son in his left arm, while feeding him with his right hand.⁴ While speaking with the Aidells food vendor, Regina Boladian, Officer Sanchez heard people screaming to his right and noticed Boladian's facial expression change. Officer Sanchez stated, *"I remember I looked up at her [Boladian] towards the direction on my right side where I heard screams, and I saw the clerk that had gave me the samples, her eyes were wide open, her mouth was wide open, and she had a face of absolute fear and terror. And she - I recall she*

¹ The Incident Summary presented here is reproduced from FID's report regarding this case and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note" or identified clearly within a footnote. All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² Officer Sanchez, 7 years and 1 month with the Department, 28 years of age, 5 feet 8 inches tall, and 190 pounds. At the time of the incident, Officer Sanchez was assigned to Southwest Patrol Division and was armed with his personally owned Department-approved pistol. He was attired in a dark blue polo shirt, light gray khaki shorts, black socks and white tennis shoes. He was also wearing a black digital watch with an American flag and a thin blue line across the face.

³ For purposes of clarity, Rosemary Sanchez will be referred to by her first name throughout the remainder of this report.

⁴ The Aidells booth was comprised of three folding tables, each measuring approximately three feet by six feet, and were configured in a U-shape.

*uttered the words, 'Oh, my God.' And she was looking over my right shoulder and like close to me."*⁵

Note: There were six witnesses who were identified as hearing a female yell, scream, or argue unintelligibly prior to the shooting. These individuals were not in line with Officer Sanchez to receive a food sample but were either in a neighboring aisle or were in the general vicinity of the Aidells booth.

Customers Veronica Rodriguez and Samira Shokoor indicated they heard screaming. Customer Peter McFerrin stated he heard raised voices that he characterized as a "commotion". Customer Gabriel Lopez stated he heard male and female voices and then someone say, "Oh my God."⁶ Lopez believed the person who made the statement was a woman with "dirty blonde" hair and a baby. Costco employee Basil Brown advised he heard someone raise their voice as if they were arguing. Rosemary described hearing a woman yell "No, no, no!"⁷



[Photograph of the Aidells booth]

Note: For the purpose of this investigation, the direction in which Officer Sanchez stood while facing the Aidells booth was deemed to be north. At the time of the incident, Boladian was standing inside her booth facing south.

⁵ Officer Sanchez' first transcribed statement to FID, Page13, Line 22 through Page 14, Line 4.

⁶ Lopez' transcribed statement to FID, Page 4, Line 9.

⁷ Rosemary's transcribed statement to FID, Page 6, Line 19.

According to Boladian, as she was giving food samples to Officer Sanchez, she observed an older couple with a younger male near her booth. Boladian said she had just given samples to these individuals, who she indicated were standing to the right of Officer Sanchez.

Note: The couple was later identified as Paola and Russell French, the parents of the younger male, Kenneth French.^{8 9}

Boladian indicated that after receiving their food samples, Russell and Paola began to move west, away from her booth. However, Kenneth quickly stepped toward Officer Sanchez and forcefully punched him on the right side of his head. The blow caused Officer Sanchez to fall to the floor while holding his child.

Note: When Boladian was first contacted by CPD Officer Richard Youngquist minutes after the incident occurred, she described Kenneth's action as a slap. Paola later characterized it in a similar fashion, indicating she believed Kenneth slapped Officer Sanchez on the cheek.¹⁰ Shokoer indicated she heard a loud noise that she believed was a slap.

Customer Juan Canchon indicated he was at the Aidells booth at the time of the incident, approximately two to three feet north of Kenneth and east of Officer Sanchez. Canchon noticed Kenneth staring at Officer Sanchez for four to five seconds, while slowly walking toward him. Canchon described Kenneth looking at Officer Sanchez as if he knew him from somewhere and was trying to recognize him. Kenneth then suddenly lunged at Officer Sanchez and struck him with a closed fist on the right side of his head. Canchon stated Officer Sanchez was looking forward (north) at the time and believed he never saw Kenneth approach (Investigators' Note No. 2).¹¹

Canchon and Boladian stated they did not observe an interaction between Kenneth and Officer Sanchez prior to the assault. The only person identified during this investigation as having seen Officer Sanchez and Kenneth in the same general area prior to the OIS, was customer Zari Nabiyyar. Although Nabiyyar did not indicate seeing an interaction between them, she observed Kenneth and his parents inside the [refrigerated] produce room as Officer Sanchez stood outside the same room carrying his son on his shoulders. Despite Costco having security cameras at various locations inside and

⁸ For purposes of clarity, Russell, Paola, and Kenneth French will be referred to by their first names throughout the remainder of this report.

⁹ Kenneth, male Indian, 6 feet, 213 pounds, 32 years of age.

¹⁰ The above statements were gleaned from the Body Worn Videos (BWVs) belonging to CPD Officers Youngquist and Rozzy Rael.

¹¹ Canchon observed a female wearing a purple dress with a shopping cart near Officer Sanchez and assumed she was his wife. The investigation determined Rosemary was wearing a white blouse, white long sweater, and shorts. It was also determined that she was not near Officer Sanchez when the incident occurred.

outside the store, there was no video evidence to suggest Officer Sanchez had any contact with Kenneth or his parents prior to the assault. Officer Sanchez and Rosemary stated that they had no prior contact with the French family in Costco or anywhere else.

According to Officer Sanchez, Boladian's facial expression as she looked over his right shoulder, combined with her statement of "*Oh my God,*" caused him to turn his head to the right. As he did so, Officer Sanchez observed Kenneth with his right arm extended, pointing a small black compact pistol, similar to an LCP [Ruger] .380, approximately an inch from his head. Officer Sanchez believed he had been shot in the head and momentarily lost consciousness. In describing this, Officer Sanchez stated, "*I do remember seeing a bright flash of white, hearing a loud gunshot, and then felt intense pain - - searing, hot pain on my right side of my head, and my - - everything went black. My right ear was ringing...And then as I saw black – just absolute black, and I felt my son's hands – his tiny hands pounding on my chest – on my right side of my chest. And I continued to hear screaming. And I remember thinking, oh my God, I've been shot in my head*"(Photolink-1).¹²

Note: While providing his Public Safety Statement (PSS) to CPD investigators, Officer Sanchez was asked if Kenneth had a gun. Officer Sanchez said yes; however, he was unable to describe it. There were no witnesses identified who observed Kenneth with a handgun, nor were there any small black objects recovered near Kenneth. Officer Sanchez' pistol was the only firearm recovered by CPD during their investigation. It should also be noted that Officer Sanchez did not sustain a gunshot wound during this incident.

After being struck by Kenneth, Canchon observed Officer Sanchez lean down to his left and quickly place his child on the floor.¹³ As Kenneth took a couple of steps backward, Officer Sanchez rolled forward onto his left side and then to his back. According to Canchon, Officer Sanchez looked at Kenneth for about a second and appeared stunned. Canchon stated, "*It took him a while to realize what happened, because he had like that stunned reaction.*"¹⁴ Canchon observed Kenneth clenching his fists while standing approximately four to five feet away from Officer Sanchez. Boladian advised that after Officer Sanchez was struck, she momentarily turned away but recalled hearing Officer Sanchez state, "*Oh, my God, he shot me*" (Investigators' Note No. 3).¹⁵

Note: There were no witnesses who reported seeing Officer Sanchez in an unconscious state. Witness accounts differed however, in their

¹² Officer Sanchez' first transcribed statement to FID, Page 14, Lines 12-22.

¹³ Canchon mistakenly believed Officer Sanchez' child was a girl.

¹⁴ Canchon's transcribed telephonic statement to CPD, Page 14, Lines 17-19.

¹⁵ Boladian's transcribed statement to FID, Page 13, Lines 10 and 11.

description of how Officer Sanchez fell to the ground. Boladian stated Officer Sanchez dropped straight down and that his “*knees just dropped.*”

¹⁶ Customer Dianne Bawitt said Officer Sanchez fell “*straight to the ground*” and struck his head on the concrete.¹⁷ She then observed Officer Sanchez stand up and remove a gun from his pocket.

OIG Note No. 1: According to Dianne Bawitt, “...as soon as he [Officer Sanchez] got up, I was surprised that he got up quickly, like he was fine.”¹⁸

According to customer Danielle Bawitt, Officer Sanchez fell headfirst on purpose and then stood back up. Shokoor indicated she heard what sounded like a slap and then screaming. When she turned around, she observed Officer Sanchez “*jump on the floor*” with his child by his side. In characterizing this same movement, Shokoor also stated Officer Sanchez “*went on his butt and then he like put his head down...and he just like got in the defensive position.*”¹⁹ Shokoor added that she believed Officer Sanchez removed his gun before going to the ground. McFerrin saw Officer Sanchez firing his pistol one-handed as he was in the process of dropping down to one knee (Investigators’ Note No. 4).

Officer Sanchez said when he regained consciousness and opened his eyes, he was on the floor, lying on his back, with his feet pointing southeast and his head northwest. Officer Sanchez indicated his son was near his right shoulder screaming and pounding on his (Sanchez’) chest. He did not know how he fell to the floor and said he felt intense pain on the right side of his head, which he described as “*absolute heat.*”²⁰ Officer Sanchez also indicated that his body was “*numb and absolutely paralyzed*” and that he believed he had been shot.²¹ Officer Sanchez estimated he was unconscious for approximately one second.

During Officer Sanchez’ second FID interview, he was asked how he was able to feel his son pounding on his chest if his body was “*numb*” and “*paralyzed.*” Officer Sanchez’ initial response was that he did not know; however, upon further questioning by his attorney, Officer Sanchez stated, “*I felt petrified and overcome with fear. The fear of what it is that I saw, the feelings that I felt of what I believe I had been shot, and the fact*

¹⁶ Boladian’s transcribed statement to FID, Page 51, Lines 19-21.

¹⁷ Dianne Bawitt’s transcribed statement to FID, Page 17, Line 20.

¹⁸ Dianne Bawitt’s transcribed statement to FID, Page 21, Line 24 through Page 22, Line 1.

¹⁹ Shokoor’s transcribed statement to CPD, Page 7, Lines 19-20 and Page 7, Line 24 through Page 8, Line 1.

²⁰ Officer Sanchez’ first transcribed statement to FID, Page 15, Lines 20 and 21.

²¹ Officer Sanchez’ first transcribed statement to FID, Page 15, Lines 21 and 22.

*that my son was still on me, just further added to the intensity of the fear and the numbness of my body...Looking back at it, I believe the combination of being struck in the head and being overcome with fear is what made me feel paralyzed.”*²² Officer Sanchez was also asked how he was able to estimate the length of time he was unconscious. He clarified by stating he did not know, but his perception was that he was only momentarily unconscious.

Note: Officer Sanchez’ initial statement to CPD was obtained by Officer Slane on BWV minutes after the OIS. During that conversation, Officer Sanchez said he believed he had been shot in the back of the head, but did not mention that he had lost consciousness or that he was paralyzed. There was no record of Officer Sanchez expressing to anyone at scene or to a medical professional that he experienced paralysis during the incident.

Officer Sanchez observed Kenneth walking away in a southwest direction in a nearby [refrigerated] north/south food aisle.²³ He believed Kenneth was still holding a gun in his right hand with his right arm extended down to his side. According to Officer Sanchez, Kenneth continued to look at him as he and his son laid on the floor. According to Officer Sanchez, Kenneth stopped, turned to his right and faced him. Kenneth then began to raise his right arm in Officer Sanchez’ direction, while still holding the gun.

Officer Sanchez recalled that there were two shoppers in the aisle with Kenneth, one being an older male (Russell) to Kenneth’s right and an older female (Paola) to Kenneth’s left. Officer Sanchez believed he heard Russell state, *“He’s crazy. He’s sick.”*²⁴ Officer Sanchez agreed with the statement and thought to himself, *“Who would ever shoot their - - who would ever shoot someone while they’re holding their little boy at a Costco? And I believe that people said that because they had just witnessed being - - me being shot in the head at point-blank.”*²⁵

Note: During Officer Sanchez’ second FID interview, he believed Russell and Paola were at the north end of the aisle where it intersected with the east/west aisle (the aisle where the Aidells booth was located).

Upon seeing Kenneth still armed with a gun, Officer Sanchez believed Kenneth was a deadly threat to both him and his son and unholstered his pistol. Officer Sanchez indicated that while lying on his back, he used his left hand to lift his shirt and his right

²² Officer Sanchez’ second transcribed statement to FID, Page 14, Line 23 through Page 15, Line 3 and Page 15, Lines 10 through 13.

²³ Officer Sanchez mistakenly referred this area as a frozen food section.

²⁴ Officer Sanchez’ first transcribed statement to FID, Page 17, Lines 20 and 21.

²⁵ Officer Sanchez’ first transcribed statement to FID, Page 17, Line 23 through Page 18, Line 2.

hand to remove his pistol, which was holstered inside of his right front waistband. Officer Sanchez said he did not have time to identify himself as a police officer.

Note: Boladian gave conflicting accounts as to her observations of seeing Officer Sanchez with a gun. In her initial statement to CPD Officer Youngquist (which was captured on BWV), she stated, *"I saw the gun in his [Officer Sanchez'] hand."* In a subsequent interview completed by FID investigators, Boladian stated she never saw Officer Sanchez with a gun.

Shokoor believed Officer Sanchez pulled his gun out of his right pocket prior to going to the floor. McFerrin stated Officer Sanchez' had his gun in his hand as he was going to the floor.

According to Officer Sanchez, as Kenneth was in the process of raising his right arm in his direction, he simultaneously lowered his chin to his chest while looking directly at him (Sanchez) and his son. Officer Sanchez described Kenneth's demeanor as having a *"face of intensity, focus and ...absolutely no fear in his eyes."*²⁶ As Kenneth continued to raise his right arm to an approximate 45-degree angle (to the ground), Officer Sanchez believed his life was in danger. While lying on his back, Officer Sanchez raised his head, and while using a one-handed grip, extended his right arm and fired two rounds at Kenneth's center body mass from a distance of approximately 15 feet (Photolink-2).²⁷

Note: A portion of this incident was captured on Costco's security system. This video does not support Officer Sanchez' assertion that Kenneth walked down the aisle by himself, turned around and raised a gun with his right hand. This issue is discussed in greater detail on Page 11 of this report, following Officer Sanchez' complete account of the OIS.

During Officer Sanchez' walk-through with FID investigators, he demonstrated Kenneth holding the gun in a bladed two-hand low-ready stance. When Officer Sanchez was questioned regarding this discrepancy during his first FID interview, he did not recall making that characterization.

Canchon estimated the distance between Officer Sanchez and Kenneth to be four to five feet when the first shots were fired.

²⁶ Officer Sanchez' first transcribed statement to FID, Page 24, Lines 7-9.

²⁷ Although the exact time of the OIS could not be determined, it appeared based on the Costco security video that it occurred at approximately 1945:34 hours. Paola can be seen falling to the floor at that time, followed immediately by Russell and Kenneth. All three individuals were determined to have been struck by gunfire during this incident.

Officer Sanchez added that although he believed Kenneth was holding a gun at the time he (Sanchez) fired, he experienced “*tunnel vision*” as Kenneth began to raise his right arm. Officer Sanchez said his focus then moved to the front sight of his pistol, as he aimed at Kenneth’s chest.

In providing a justification for his use of deadly force, Officer Sanchez stated, “*I believed that my life was in danger, I believed my son’s life was in danger, and I believed other shoppers at that Costco were in danger. And I shot to stop the threat.*”²⁸ Officer Sanchez said he had a clear view of Kenneth at the time he fired and that there was no one in his background or foreground.

Note: Canchon, Shokoor, and Costco employee Juan Mercado, all observed Officer Sanchez shooting from the floor. Canchon and Mercado described Officer Sanchez lying on his side. Shokoor said Officer Sanchez fell to a seated position and then placed his head down [on the floor] as if he was assuming a defensive position. Although Boladian did not see Officer Sanchez’ position after he fell, she implied he began firing while on the floor.

OIG Note No. 2: *As described by Shokoor, “And then he [Officer Sanchez] jumped on the floor with his kid right by his side and he started shooting. [...] He -- well, he got on the floor. He went on his butt and then he like put his head down and started -- you know how, you know, professionals do and he just like got in the defensive position and started shooting.”*²⁹

Dianne and Danielle Bawitt observed Officer Sanchez fall to the floor for an unknown reason and stand up. Dianne then observed him fire his pistol using a two-hand grip with both hands extended away from his body.

Customer Peter McFerrin, who was approximately 30 feet from Officer Sanchez, observed him firing his pistol one-handed as he was in the process of dropping down to one knee. He also believed Officer Sanchez attempted to shield someone with his other hand as that occurred. McFerrin believed there was no one immediately in front of Officer Sanchez at the time he fired (Investigators’ Note No. 5 and Investigators’ Note No. 6).

Officer Sanchez stated that after he fired his first two rounds, Kenneth fell to the floor on his left side. Kenneth was still facing Officer Sanchez, with his legs bent more than 90 degrees toward his torso. Officer Sanchez observed Kenneth’s right arm was extended

²⁸ Officer Sanchez’ first transcribed statement to FID, Page 18, Lines 5 and 8.

²⁹ Samira Shokoor’s first transcribed statement to CPD, Page 7, Line 19 to Page 8, Line 2.

out in his direction and that his left arm was parallel to the floor and slightly bent at the elbow. Officer Sanchez said that Kenneth looked at him and his son with a “*concentrated, intense look in his eyes*”.³⁰ Kenneth then raised his closed right hand, holding what Officer Sanchez believed was a gun pointed in his direction. Officer Sanchez believed Kenneth’s actions were consistent with taking a shooting platform and that Kenneth posed a continuing deadly threat to him (Sanchez), his son, and to other Costco shoppers.

While still on his back, Officer Sanchez again utilized a one-handed shooting grip and fired two additional rounds at Kenneth’s chest area. According to Officer Sanchez, all four of his rounds were fired in a southern direction with no one other than Kenneth in his background or foreground. Officer Sanchez also indicated that due to the immediate need to take action, he was unable to give Kenneth commands prior to firing his rounds. After firing his last shot, Officer Sanchez stated Kenneth rolled onto his back and then into a fetal position on his left side. Kenneth’s back was toward Officer Sanchez and his hands were tucked under his body.

Note: Costco’s security video depicted Kenneth *initially* falling on his left side with his back toward Officer Sanchez.

The investigation determined that Officer Sanchez fired a total of 10 rounds. Officer Sanchez was not able to account for the additional six rounds he fired. He stated it was possible he shot more than twice during each of his two volleys and surmised that having been knocked unconscious may have distorted his perception of the total number of rounds he fired. Officer Sanchez initially stated he conducted an assessment after firing each round. In his second FID interview; however, he believed he assessed only between volleys. Officer Sanchez said he fired all his rounds within two seconds and estimated there was less than one second between his first and second volleys.

Note: According to customers William Gagnon and Omar Barraza, they heard gunfire and walked over *shortly after* the shooting to render aid to Kenneth and found him lying on his stomach in a face down position.

Although Officer Sanchez believed Kenneth was in possession of a firearm throughout the entirety of this incident, he indicated the last time he saw him holding a gun was just prior to firing his (Sanchez’) first volley. As previously mentioned, Officer Sanchez said he experienced tunnel vision at that point and focused through his sights on Kenneth’s chest area. He described tunnel vision as concentrating on a particular object, while everything else around it remained a blur. Officer Sanchez gave a similar explanation regarding his second volley and was not able to say definitively that he saw Kenneth holding and/or pointing a gun at him when he fired his additional rounds.³¹

³⁰ Officer Sanchez’ first transcribed statement to FID, Page 18, Line 13.

³¹ Moments after the OIS, CPD received approximately 30 calls to 9-1-1 reporting that a shooting had just occurred inside the Costco. A radio call was subsequently generated at 1946:44 hours, which precipitated the response of multiple officers from CPD.

During Officer Sanchez' second FID interview, he described feeling disoriented and that his vision was "off." He clarified that he experienced blurred vision rather than tunnel vision, but he was still able to see Kenneth holding a gun.

Note: Despite Officer Sanchez' assertion he fired his rounds at Kenneth's chest area, the investigation determined Kenneth was struck twice in the lower back, once to his left buttock, and once to his left triceps area.

Officer Sanchez said that after firing his last round, he yelled, "*He [Kenneth] just shot me! He shot me! He still has the gun! He still has a pistol!*"³² Officer Sanchez believed he then heard a male's voice from within the aisle state, "*He doesn't have a gun!*"³³ Officer Sanchez continued to point his pistol at Kenneth, because he believed Kenneth might still have the gun tucked underneath him.

Moments later, Officer Sanchez broke his tunnel vision and observed Russell and Paola [lying] to the right and left of Kenneth respectively. Both individuals appeared to have been injured and were holding their sides. Officer Sanchez said he did not know how they were injured and was adamant he did not see either of them in his foreground or background at the time of the OIS. Officer Sanchez did recall however, that after he fired his last round, Russell moved from the east side of the aisle, toward the center of the aisle in front of Kenneth, and then back to the east side of the aisle. He also recalled seeing Paola move in a northwest direction while screaming, in what appeared to be an attempt to exit the aisle.

Note: Shortly after the arrival of officers from CPD, Officer Sanchez was recorded on BWV making the following statement "*Those people (referring to Russell and Paola), I think that they were probably like -- got in the way. I don't know.*"³⁴

At approximately 1949:15 hours, Officer Robert Slane was the first member of CPD to arrive at scene after the OIS.³⁵ According to Officer Sanchez, as Officer Slane approached, he (Sanchez) continued to hold his pistol pointed at Kenneth, because he still considered him a threat. When Officer Slane asked what had occurred, Officer Sanchez said he stated, "*That guy just shot me...He still has a gun.*"³⁶ Officer Sanchez said he was then approached by a second CPD officer, who told him to hand over his

³² Officer Sanchez' first transcribed statement to FID, Page 26, Lines 13 and 15.

³³ Officer Sanchez' first transcribed statement to FID, Page 26, Line 17.

³⁴ Officer Slane's BWV transcript, Page 4, Lines 16 and 17.

³⁵ Officer Slane's time of arrival was based on footage obtained from the Costco video security system.

³⁶ Officer Sanchez' first transcribed statement to FID, Page 28, Lines 8 and 9.

pistol. Officer Sanchez said that officer then reached out with his left hand and removed his pistol from his (Sanchez') right hand.

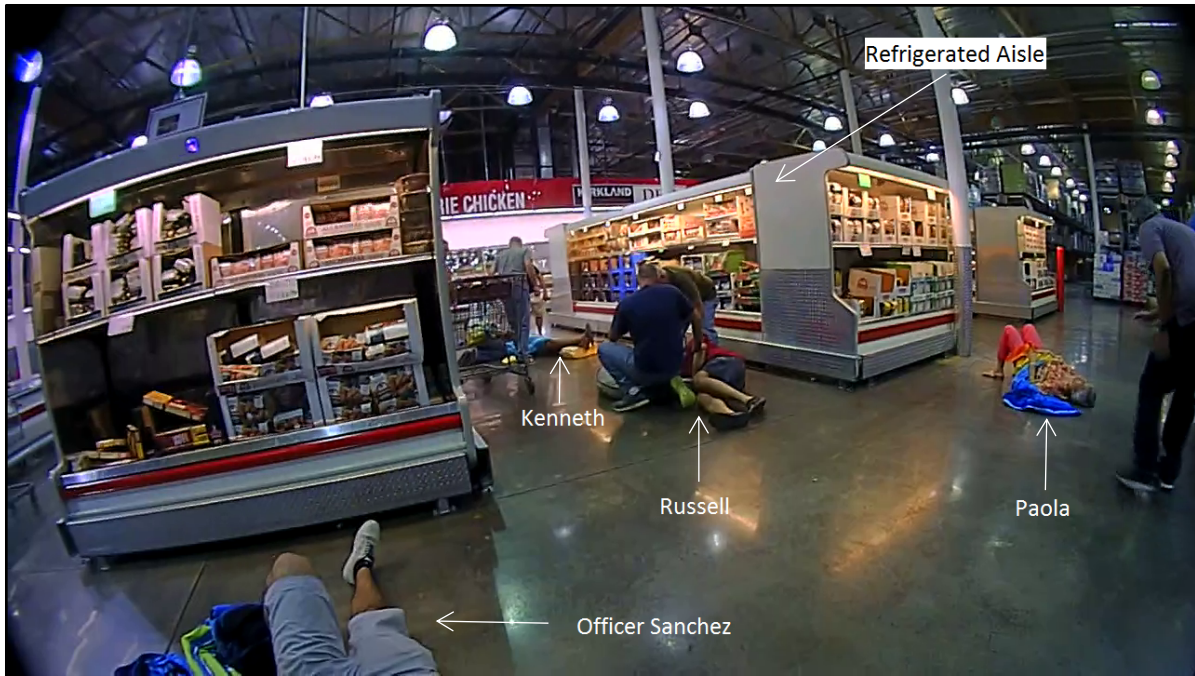
Note: Based on a review of Officer Slane's BWV, Officer Sanchez did not make the above quoted statement. Officer Slane is depicted approaching Officer Sanchez and asking him if he was injured. Officer Sanchez replied, "*I guess not*" and added that he thought he had been shot in the back of his head. When asked by Officer Slane where the shooter was, Officer Sanchez pointed to Kenneth and said, "*that guy*." Officer Sanchez did not immediately identify himself to Officer Slane as the shooter or as an off-duty police officer.

It was also noted that Officer Sanchez was not holding his pistol when first approached by Officer Slane. According to CPD Officer Steven Hungerford, upon his arrival at scene, he observed the stock of a pistol protruding from Officer Sanchez' right front pants pocket. Officer Hungerford removed Officer Sanchez' pistol and secured it in his own pants pocket.³⁷

The below videolink was obtained from Officer Slane's BWV and depicted the positions of Officer Sanchez, Paola, Russell and Kenneth upon his arrival. The video also captured Officer Sanchez' initial statement as to what occurred and his rationale for discharging his weapon. The following addendum is an incident report completed by Officer Slane, which gives his first-hand account as to what he observed at scene (Addendum No. 1).

[This space intentionally left blank.]

³⁷ This information was gleaned from a CPD incident report completed by Officer Hungerford. His BWV was not activated at the time he first made contact with Officer Sanchez and did not capture the recovery of his pistol. Officer Hungerford secured Officer Sanchez' pistol in his police vehicle after clearing the crime scene. He later transported the pistol to CPD headquarters, where he conducted a gun inspection.



(Image from Videolink-1)

The investigation determined that Kenneth, Russell, and Paola were struck by gunfire during the OIS. As previously mentioned, a portion of this incident was captured on Costco's video security system; however, the initial assault by Kenneth on Officer Sanchez was obscured from the camera's view by a storage shed. The footage also did not capture Officer Sanchez falling to the floor or any of his subsequent actions. What can be determined from this video, is that at approximately 1945:30 hours, Russell was in the process of pushing Kenneth away from the Aidells booth, south into the refrigerated aisle. Paola can then be seen moving (west) away from the Aidells booth, while bending forward at the waist. Paola appeared to extend her arms outward while looking down toward the area where Officer Sanchez indicated he was lying. At 1945:34 hours, she can be seen falling to the floor, followed immediately by Russell and then Kenneth, who also collapse.

Note: The Costco video did not depict Kenneth walking in the aisle by himself, turning around and raising his right hand as indicated by Officer Sanchez. Furthermore, the video depicted Kenneth initially falling on his left side with his back toward Officer Sanchez. Kenneth ended up facedown, and not on his back as described by Officer Sanchez.

The videolinks below are two versions of the same Costco security video. For ease of identification, videolink-2 includes name markers above Officer Sanchez, Rosemary, Kenneth, Russell, Paola, and Shokoor as they move in and out of camera view. The pixilation is due to the zoomed effect that was applied. Videolink-3 was prepared by the Riverside County District Attorney's office and shows two videos playing simultaneously that were zoomed to different degrees.



**[Zoomed image (facing south) from the security camera that captured the OIS]³⁸
The Aidells booth was located out of view behind the shed.
 (Videolink-2) (Videolink-3)**

Because the area in front of the Aidells booth was not visible in the footage, FID investigators were unable to determine if the video captured the entirety of the OIS, or if it began prior to Russell, Paola and Kenneth moving into camera view. Based on a review of the video, there appeared to be no obvious reaction by customers as Russell began pushing Kenneth into the refrigerated aisle. However, multiple people can be seen reacting by immediately fleeing the area when Paola fell to the floor. According to Paola, when Officer Sanchez removed his pistol, she stepped in front of Kenneth and Russell to prevent them from being shot. Paola believed she was the first one struck by gunfire and that Officer Sanchez continued shooting after she was hit.³⁹

Note: Boladian believed Officer Sanchez discharged two rounds before Russell and Paola moved into the line of fire.

Customer Veronica Rodriguez stated she observed Officer Sanchez lying face down on the floor. When she walked over to see what was occurring, she observed Paola bending over Officer Sanchez and believed she was assisting him with a medical emergency. Rodriguez turned away for approximately five seconds to see if anyone else was coming to help. Before she turned back around, she heard six to seven consecutive gunshots. Rodriguez immediately went to the ground and then fled the store.

³⁸ The above video was recorded at 10 frames per second. The camera was mounted to the ceiling 15 feet above the floor and was located approximately 150 feet from the Aidells booth.

³⁹ This information was gleaned from the BWVs of CPD Officers Kyle Nabi and Rozzy Rael.

Customer Dianne Bawitt stated that just prior to the shooting, she observed a woman next to Officer Sanchez saying, “No, no. Don’t do it.”⁴⁰

Rosemary described hearing a woman yell “No, no, no!”⁴¹ Although her vision was blocked by a cooler, Rosemary believed she saw an older woman with gray hair appearing to struggle with someone she could not see.

OIG Note No. 3: *The available evidence indicates that it would not have been possible for Rosemary to observe Paola from the position that Rosemary stated she was in at this stage of the incident.*

Multiple witnesses reported hearing some variation of one to three shots fired before a pause, then numerous shots fired consecutively. The following addendum is a matrix detailing that information (Addendum No. 2).

After hearing a female yelling and a “popping” noise, Rosemary went back toward the Aidells booth looking for her son and husband. Rosemary said she approached her husband and son by running north in the north/south aisle that Kenneth and Russell were in.

Note: The Costco security video depicted Rosemary running east, from right to left in the east/west aisle that Officer Sanchez was in.

OIG Note No. 4: *The Costco security video did not depict Rosemary going down the north/south aisle that Kenneth and Russell were in, as she described that she had done in her testimony.*

Rosemary observed Officer Sanchez lying on his back, holding their son in his right arm and his pistol in his left hand. Rosemary said she asked Officer Sanchez what occurred, and he stated, “It hurts right here on my head and I feel like I’ve been shot.”⁴² Rosemary observed Russell on the floor near Kenneth and heard him (Russell) state, “He’s mentally ill.”⁴³ Rosemary also observed Paola lying on her back crying. Rosemary then picked up her son and ran screaming for help.

Note: Officer Sanchez stated he did not know who picked up his son from him. There was no indication Noah was injured during this incident. Officer Sanchez nor Rosemary requested Noah be examined by medical

⁴⁰ Dianne Bawitt’s transcribed statement to FID, Page 5, Line 18.

⁴¹ Rosemary’s transcribed statement to FID, Page 6, Line 19.

⁴² Rosemary Sanchez’ second transcribed statement to CPD, Page 21, Lines 20 and 21.

⁴³ Rosemary Sanchez’ second transcribed statement to CPD, Page 20, Line 8.

personnel at scene. According to Rosemary, she waited one month after the OIS to finally have Noah examined by a doctor.

In Rosemary's second interview with CPD, she said that Officer Sanchez told her he felt like he was bleeding, but she did not check him [for injuries]. In her statement to FID however, she was asked if she observed any injuries to her husband. Rosemary replied that she observed Officer Sanchez look at his hand after touching his head and saw "*little driplets [sic] of blood.*"⁴⁴ Upon review of the multiple BWVs depicting Officer Sanchez interact with CPD, blood was not observed on his hands or head, nor did he indicate that he was bleeding after the incident (Investigators' Note No. 7).

OIG Note No. 5: Videolink-3, which was prepared by the Riverside County District Attorney's Office, depicts Rosemary going toward the area where Officer Sanchez was located. Rosemary can be observed bending down and remaining in that immediate vicinity for approximately 19 seconds before leaving.

There were multiple individuals who did not observe the shooting but heard gunshots and responded to the location of the OIS. Below is a synopsis of the actions they took, their observations of Officer A and any statements he may have made to them. The order in which the witnesses are listed is not an indication of the order they arrived. Based on the totality of their statements, it appeared they all arrived in close proximity to one another.

OIG Note No. 6: Videolink-3, which was prepared by the Riverside County District Attorney's Office, shows that the witnesses who responded to the scene arrived there around 1946:35 hours, which is approximately one minute after the OIS had occurred.

Customer Victor Witte, an off-duty Los Angeles County Sheriff deputy, observed Officer Sanchez lying on his back, holding a handgun in his right hand that he was pointing [south] down the [refrigerated] aisle. Officer Sanchez identified himself as an off-duty police officer and appeared disoriented, distraught and visibly upset. When asked what had occurred, Officer Sanchez rubbed the right side of his head and said he had been shot. He also indicated that he believed he had lost consciousness. Witte looked at Officer Sanchez but did not see any blood. Witte then left Officer Sanchez to render aid to Russell, who was lying on his back in the aisle, approximately 15 feet from Officer Sanchez. While tending to Russell, Witte heard him (Russell) say "*My son. My son. My son has problems. My son is not on his medication.*"⁴⁵

⁴⁴ Rosemary Sanchez' transcribed statement to FID, Page 27, Line 3.

⁴⁵ Witte's transcribed statement to CPD, Page 6 Lines 2-4.

Gagnon responded to the location with Witte and arrived approximately 30 seconds to one minute after hearing gunshots. He observed Officer Sanchez lying on the floor propping himself up on his right elbow. Officer Sanchez was holding a gun in his right hand while pointing it at Kenneth and Russell, who were lying in between the refrigerated food aisles. Kenneth was laying on his stomach with blood visible beneath him. Russell was positioned north of Kenneth, approximately 10 feet away from Officer Sanchez. Gagnon observed Russell holding his side and believed he had been shot. Gagnon also observed Officer Sanchez with his left hand on his rib cage area and assumed he too had been shot but did not see an injury. When Gagnon approached Officer Sanchez and asked where the shooter was, he replied, "*He's still got a gun in his hand. He's still got a gun in his hand.*"⁴⁶ Gagnon also heard Russell screaming, "*My son's sick! My son's sick!*"⁴⁷

Due to Kenneth's position on the floor, Gagnon could not see Kenneth's arms. In an effort to determine whether Kenneth was in possession of a gun, Gagnon walked toward him with Omar Barraza, an off-duty California Department of Corrections prison guard. As Gagnon approached, he observed Kenneth's body twitching and that his breathing was shallow. Gagnon and Barraza rolled Kenneth to his back and observed blood coming out of his mouth. After determining Kenneth was unarmed, Gagnon attempted to render aid by elevating his feet. Gagnon then checked Kenneth for a pulse but could not find one. He believed Kenneth was dead at that point.

Gagnon added that he observed a concealed carry holster on the floor between Officer Sanchez and Russell. Gagnon kicked the holster to make sure it was empty and to move it further away from Russell, whom he believed may have been involved in the shooting.

Barraza indicated that when he arrived, he observed Officer Sanchez positioned on his back, holding what appeared to be a Glock pistol. Officer Sanchez was pointing his pistol at Kenneth, who was lying [in the aisle] on his stomach about 10 to 15 feet away. Officer Sanchez made eye contact with Barraza and stated, "*I am an off-duty officer. That man [referring to Kenneth] drew a weapon on me.*"⁴⁸ Barraza observed that Kenneth and two other people appeared to have been shot and asked Officer Sanchez to put his pistol away so he could safely render aid to those individuals. Officer Sanchez complied and placed his pistol inside his waistband.

After assisting Gagnon with turning Kenneth over to his back, Barraza observed blood coming out of Kenneth's mouth and believe he was deceased. Barraza then directed his attention to Russell and attempted to render him aid. During that interaction, Russell indicated he had been shot in the abdomen and stated several times while pointing at

⁴⁶ Gagnon's transcribed statement to FID, Page 5, Lines 21 and 22.

⁴⁷ Gagnon's transcribed statement to CPD, Page 21, Lines 6 and 7.

⁴⁸ Barraza's transcribed statement, Page 6, Lines 18 and 19.

Officer Sanchez, *"That man over there... shot me, and my son and my wife"* (Investigators' Note No. 9).⁴⁹

Customer Wesley Manning, an off-duty Los Angeles Fire Department Firefighter/Paramedic, observed Officer Sanchez on his right side pointing a pistol at Kenneth, who was on his back in a pool of blood. Manning also observed Paola and Kenneth⁵⁰ and believed they had both been injured. Paola was lying on her back and appeared to be bleeding from her abdomen; Russell was sitting on the floor holding his right side. Manning approached Officer Sanchez from behind, knelt down next to him and asked if there was another gunman. Without turning his head or the position of his firearm, Officer Sanchez replied, *"No. He's down."*⁵¹

A male in a uniform, who Manning believed was possibly an officer from CPD, came up behind him and pointed either a pistol or a taser at Officer Sanchez and told him to put his gun down. Officer Sanchez identified himself as an off-duty police officer, placed his gun on the floor, and push it about two feet away from him.

Note: As previously mentioned, upon his arrival, CPD Officer Hungerford recovered Officer Sanchez' pistol from his front pants pocket and secured it in his own pants pocket.

Manning said he walked past Officer Sanchez at that point and approached Kenneth, who was not breathing and had no pulse. Manning concluded Kenneth was deceased and began rendering aid to Russell. At some point thereafter, Manning turned back to look at Officer Sanchez and observed he was still lying on the floor. Manning was confused as to why Officer Sanchez had remained in that position and walked over to him and asked, *"Sir, are you hit?"*⁵² Officer Sanchez replied, *"Yes, [on] the right side of my head."*⁵³ Manning then checked Officer Sanchez' head and body for a wound but did not find one. In apparent disbelief, Officer Sanchez touched his head several times and then looked at his hands for blood, while saying, *"I know I'm hit in the head...I know I'm hit."*⁵⁴

In describing Officer Sanchez' demeanor, Manning said he looked shocked and scared and actually thought he had been shot. In his experience as a paramedic, Manning

⁴⁹ Barraza's transcribed statement, Page 11, Lines 21-23.

⁵⁰ The OIG noted that the available evidence indicates that the reference to Kenneth in this sentence should have instead been a reference to Russell.

⁵¹ Manning's transcribed statement to FID, Page 13, Line 11.

⁵² Manning's transcribed statement to FID, Page 20, Lines 22 and 23.

⁵³ Manning's transcribed statement to FID, Page 20, Line 24.

⁵⁴ Manning's transcribed statement to FID, Page 21, Lines 11-14.

believed Officer Sanchez was presenting as if he received a blow to the head. Manning also described Officer Sanchez as *“purposeful...where he can think and continue doing what he’s doing.”*⁵⁵ He eventually assisted Officer Sanchez to his feet and walked with him out of the Costco through an emergency exit.

Manning added that while providing aid to Paola, he heard her state, *“My son’s not right. He hit -- He slapped him.”*⁵⁶ *“My son’s not right. He has fluid on the brain.... He’s off his medication.”*⁵⁷

OIG Note No. 7: *Officer Slane’s BWV footage recorded him talking with Manning outside of the Costco warehouse after the OIS. In describing his observations from the OIS scene to Officer Slane, Manning stated, “He [Officer Sanchez] was alert, oriented, and conscious.”*⁵⁸

Customer Douglas Matz observed Officer Sanchez lying on his back, while moaning in pain and holding the right side of his head. He also saw a black pistol on the floor near Officer Sanchez’ right thigh. When Matz asked why he had a gun, Officer Sanchez said he was an off-duty police officer and that his gun was *“cleared.”* Matz interpreted that statement to mean that Officer Sanchez’ gun was empty and that he was going to wait for responding officers to take it (Investigators’ Note No. 10).

Officer Sanchez told Matz he had been hit and complained of pain while rubbing his ear. Officer Sanchez described seeing a flash and hearing a bang. Matz interpreted his statement to mean that someone had shot him. Matz did not see an injury to Officer Sanchez and went to render aid to Russell.

Matz indicated that while interacting with Russell, he heard him make the following statement regarding Kenneth: *“...he’s off his medication and that he gets a little – and I can’t remember the word he used, but it was like anxious or like, you know, a little aggressive.”*⁵⁹

Basil Brown was in the nearby liquor department when the shooting occurred and stated he responded within 30 seconds of hearing gunfire.⁶⁰ When he arrived, there were already people in the refrigerated aisle attempting to render aid to Kenneth. Brown observed Officer Sanchez lying on his side and asked him if he was bleeding or hurt.

⁵⁵ Manning’s transcribed statement to FID, Page 54, Lines 22 and 23.

⁵⁶ Manning’s transcribed statement to CPD, Page 27, Lines 7 and 8.

⁵⁷ Manning’s transcribed statement to FID, Page 24, Lines 9 and 10, and Lines 21 and 22.

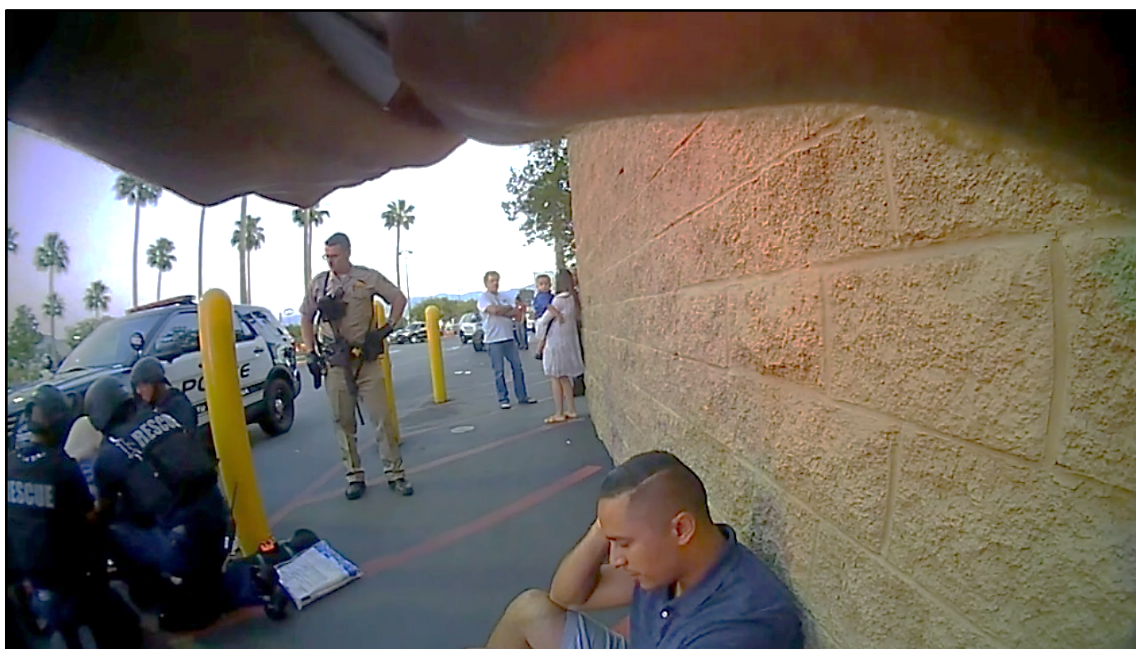
⁵⁸ Officer Slane’s BWV at the 14:40 time stamp.

⁵⁹ Matz’ transcribed statement to FID, Page 44, Lines 4-7.

⁶⁰ Based on a review of the Costco security video, Brown appeared to arrive approximately two minutes after the OIS.

Officer Sanchez replied, “No.” Brown then went to assist those helping Kenneth and obtained a stack of towels [that were ultimately placed under Kenneth’s head and feet] (Investigators’ Note No. 11).

Note: After Officer Sanchez was escorted out of the store by CPD Officer Slane, he was seated with his back against a wall facing the parking lot. Brown watched Officer Sanchez for a period of time and said he observed him rubbing the right side of his head. This action can be observed in Officer Slane’s BWV. In this same segment of BWV, Officer Sanchez says to Officer Slane, “Man dude, I thought I lost” but he does not finish his sentence. Several minutes later, Officer Sanchez can be heard telling a firefighter he believed he had been shot and that he lost consciousness. Videoclips of each of those instances are linked below.



(Videolink-4) (Videolink-5) (Videolink-6)

According to the incident report completed by Officer Slane, he checked Kenneth for a pulse but could not find one. After observing no signs of life, Officer Slane pronounced Kenneth deceased at approximately 1952 hours.

Note: Officer Slane documented seeing what he believed was a gunshot wound to Kenneth’s head. According to the autopsy report completed by the Riverside County Coroner’s Office, Kenneth did not sustain a gunshot wound to his head. However, the attending physician did document an abrasion to Kenneth’s left forehead area that was labeled as a blunt force injury.

Prior to escorting Officer Sanchez out of the Costco, Officer Slane questioned him further regarding what had occurred. During that interaction, which was captured on BWV, Officer Sanchez stated that while holding his son and waiting to receive a [food] sample, he saw “a blast” and felt his “head getting knocked out.”⁶¹ Officer Sanchez said he thought he had been shot and dropped his son as he fell to the floor. When he looked up, he observed Kenneth hunkered down in the aisle. Officer Sanchez believed Kenneth was still armed and shot him. When asked specifically by Officer Slane if he observed a weapon, Officer Sanchez did not answer and asked to speak with a lawyer. Officer Slane continued to question Officer Sanchez and asked him how many rounds he fired and if there were any outstanding suspects. Officer Sanchez said that he did not know the answer to either question.

Note: In Officer Sanchez’ first FID interview, he stated he observed Kenneth walking with a gun, turn toward him and then point the gun at him. In his second FID interview, he was asked to explain that statement in light of what he originally told Officer Slane, namely that he observed Kenneth hunkering down and believed Kenneth was armed, as opposed to actually seeing him with a gun.

Officer Sanchez acknowledged that “*hunker down*” was a term he uses but did not recall saying it when speaking with Officer Slane. In regard to the specific verbiage he used when first describing to Officer Slane what had occurred, he stated, “*As far as the - - what I saw that day was I saw a gun and I don’t believe that I had enough time to go into a thorough explanation to the officer of what had occurred.*”⁶² Officer Sanchez added that his recollection of the incident could be off due to the injury he sustained to his head. During the same conversation with Officer Slane, Officer Sanchez can be heard on BWV saying, “*Hey, dude, my head really hurts, dude. My head does hurt.*”⁶³

Officer Sanchez, Russell, and Paola were all transported by separate rescue ambulances to local hospitals. Russell and Paola were taken to Riverside Community Hospital and Officer Sanchez was taken to Corona Regional Medical Center. Corona Police Department Officers Rael and Neff responded to the emergency room at Riverside Community Hospital to obtain statements from Russell and Paola. Officer Neff attempted to speak with Russell; however, he was intubated at the time and unable to speak. Officer Rael was able to briefly speak with Paola prior to her going into surgery. During that conversation, Paola stated she was grocery shopping at Costco with Russell and Kenneth. As they were receiving their samples [from the Aidells booth], Kenneth suddenly slapped Officer Sanchez on the cheek as he held his baby. When she observed Officer Sanchez remove his gun, she stood in front of Kenneth and Russell to “save them.” She fell to the floor and then Officer Sanchez shot Kenneth and

⁶¹ Officer Slane’s BWV transcript, Page 4, Lines 2 and 3.

⁶² Officer Sanchez’ second transcribed statement to FID, Page 7, Lines 20-23.

⁶³ Officer Slane’s BWV transcript, Page 5, Line 23 through Page 6, Line 1.

Russell. The following video from Officer Rael's BWV captured their conversation (Videolink-7).

Paola and Russell were unable to be interviewed after surgery because they were heavily sedated. On June 17, 2019, at 1722 hours, CPD Detective Lisa Larios received a voicemail from Attorney Dale Galipo, indicating he had been retained by the French family and that they would not be giving any statements regarding the matter.

On December 16, 2019, Detective Zesati, called Paola and Russell and left a voice message requesting to interview them for the Department's administrative investigation. Detective Zesati also spoke with a representative from Attorney Galipo's office and made a similar request. As of the completion of this report, Detective Zesati has not been contacted by Russell, Paola, or Galipo.

Officer Sanchez elected not to provide a voluntary statement to CPD and requested to wait for his attorney before being questioned. However, he did give a Public Safety Statement (PSS) to Detective Larios and CPD Detective Garey Painter, while at Corona Regional Medical Center. During his PSS, Officer Sanchez stated that he fired his pistol approximately four times while near the Aidells booth inside Costco. He indicated that he fired his rounds down an aisle toward the bakery department, opposite the cash registers.

Note: The investigation determined Officer Sanchez fired south toward the meat department. The bakery was located approximately 150 feet east from where the OIS occurred.

While providing his PSS, Officer Sanchez was asked if Kenneth had a gun. Officer Sanchez said yes, but he was unable to describe it. Officer Sanchez believed he was shot once during the incident and stated, "*I mean, first off I felt like I [sic] fucking blew my head off.*"⁶⁴ He also indicated he did not know if there were other people involved in the shooting.⁶⁵

Note: During Officer Sanchez' first FID interview, he described Kenneth holding a small black compact firearm, similar to a LCP [Ruger] .380 pistol.

On June 14, 2019, at approximately 2130 hours, Detective Painter contacted the Department on Officer Sanchez' behalf and advised the Southwest Patrol Division Watch Commander, Sergeant I Michael Richardson, Serial No. 26159, of the OIS. Southwest Patrol Division Lieutenant I Christopher Merlo, Serial No. 31240, responded

⁶⁴ Officer Sanchez' second transcribed statement to CPD, Page 6, Lines 7 and 8.

⁶⁵ Officer Sanchez' statement to Detective Larios and Officer Painter was recorded, transcribed and included with this investigation. Officer Painter completed a supplemental report documenting his interaction with Officer Sanchez. That report was also included with this investigation as (Addendum No 4).

to Corona Regional Medical Center and monitored Officer Sanchez until relieved by FID investigators (Addendum No 3).

Corona Police Department Investigation

On November 6, 2019, Force Investigation Division received an initial crime report and 62 supplemental reports from CPD regarding this incident. A CPD supplemental report is a standardized report that was used to document actions taken by the CPD personnel who responded to this incident or who had a subsequent investigative role.

After review of these supplemental reports, it was noted that many of them contained information documenting multiple investigative tasks involving more than one CPD investigator. Additionally, some CPD investigators authored more than one report during the course of this investigation. It was also noted that in several instances, information regarding a particular witness was documented by more than one CPD investigator in their respective supplemental report.

In an effort to simplify the reporting system and how to identify the information contained in the 62 supplemental reports, FID investigators utilized a two-tab Excel worksheet to identify all the reports obtained from CPD and a witness list of all individuals interviewed during the course of their investigation. The Excel worksheet provides a brief description of what is contained in each CPD report and provides a corresponding hyper-link to that report. The witness list also contains hyper-links to the corresponding CPD reports relevant to each witness statement.

Force Investigation Division investigators identified 32 supplemental reports containing witness statements, 22 reports related to evidence, and eight reports with miscellaneous information. For ease of referencing, all of the reports were subsequently watermarked to identify the category in which they were grouped (Addendum No. 5).

On February 5, 2020, CPD provided the Department with the remaining investigative materials related to their investigation. Those items included numerous BWVs, recorded witness statements, over 550 photographs and approximately three hours of video from the Costco's 46-camera security system.

Force Investigation Division reviewed all investigative material provided by CPD, and after a complete analysis of their investigative material, all relevant information was incorporated into this investigative summary.

Scene Description

This incident took place inside the Costco Wholesale Warehouse located at 480 North McKinley Street, in the City of Corona. The OIS occurred near the southern end of the store in an aisle of open display refrigerators in the meat/deli section. At the time of the

incident, the store was open with numerous customers and employees inside. Illumination was provided by artificial lighting within the warehouse and was not a factor in this incident.



[The following videolinks contain footage recorded by CPD's Unmanned Aircraft System (UAS)]
(Videolink-8) (Videolink-9)

Canvass for Witnesses

There were over 100 individuals inside the Costco at the time the OIS occurred. Force Investigation Division investigators identified 11 eyewitnesses to this incident, which include Russell and Paola. The witnesses either saw Officer Sanchez fall after being struck and/or observed him shooting. There were 57 "Heard Only" witnesses identified. The number of gunshots heard varied from three to 10. Corona Police Department identified thirty-three additional people who ran upon seeing others flee the store. There were nine individuals who indicated they did not see or hear anything. There were 30 callers to CPD 911 dispatch.

The digitally recorded interviews of Officer Sanchez and the civilian witnesses were stored in the Training Evaluation and Management System (TEAMS II) database.

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Suspect Information

Kenneth Russell French was a male Indian, with black hair and brown eyes. At the time of the incident he was 32-years old, 6-00 feet tall, and weighed 213 pounds. His date of birth was October 4, 1986. Kenneth resided with his parents at 17055 Broken Rock Court, in Riverside, California.⁶⁶

Kenneth was identified by his California Department of Motor Vehicles Driver's License No. F5454492, and his California Criminal Identification and Index No. A35897630. Kenneth had no prior criminal history and was not a documented gang member (Addendum No. 6).

According to CPD Detective Larios' supplemental report, Kenneth was detained for Grand Theft Auto (GTA) by the Riverside County Sheriff Department (RCSD) on December 12, 2018. During that incident, Kenneth allegedly stole a vehicle from a neighbor and drove it approximately 20 miles away, before being detained by RCSD. The owner of the vehicle declined to press charges and Kenneth was not arrested. The incident was documented at the RCSD, Jurupa Station, under Report No. E183460014.



Kenneth had no documented contacts in the California statewide mental health system or with the LAPD Mental Evaluation Unit.

On June 15, 2019, CPD Detectives Larios and John Garcia met with Kenneth's brother, Kevin French. Kevin described Kenneth as mentally disabled and said his brother had been diagnosed with schizophrenia. He also mentioned Kenneth had a cyst removed from the front of his brain approximately two months prior and was scheduled to see a neurologist on June 17, 2019. Kevin said Kenneth had been prescribed a variety of medication over the years and believed his brother had been misdiagnosed several times. In describing Kenneth's mental capacity, Kevin said he was like a grown baby; Kenneth could understand what was said to him, but he could not verbally communicate. Detective Garcia memorialized his conversation with Kevin in a supplemental report completed on June 15, 2019 (Addendum No. 7).

On June 20, 2019, CPD Detectives Daryl Sailer and Gail Gottfried utilized a search warrant to obtain Kenneth's prior medical history from Kaiser Permanente Medical Center. Those records were reviewed by Detective Gottfried, who in turn completed a supplemental report documenting her observations. The following is an excerpt from her report, which refers to a medical entry that was dated December 7, 2018:

"Mother states about 10 years ago, he [Kenneth] had an emotional breakdown. He was a top student at McMaster University and was about to graduate with

⁶⁶ The above image was obtained from Kenneth's 2014 Department of Motor Vehicle's driver's license photograph.

honors. He was assessed by a psychiatrist in Canada and was told he had schizophrenia. They moved to CA about 5 years ago. He was taking Clozaril (a medication used to treat certain mental mood disorders). He was non-communicative. He had an MRI (Magnetic Resonance Imaging) which revealed a retention cyst in the sphenoid sinuses. After Kenneth's surgery, he was put on Prednisone and it made him more confused. He had nervous energy and was laughing uncontrollable. He had become more withdrawn and stopped driving. On the Monday of Thanksgiving week, Kenneth was lying on the concrete. His arms were out to the side and he was looking up to the sky. He appeared confused. From mid-October, he's been afraid to drive and won't initiate conversation. He was interpreting but not responding (Addendum No. 8).

Note: On the advice of Corona's City Attorney, CPD was instructed not to provide the Department with copies of search warrants or medical records obtained by them during their criminal investigation. Detective Gottfried's supplemental report only contained two pages from Kenneth's medical record. Force Investigation Division investigators did not receive any additional records.

Injuries

Kenneth sustained four gunshot entry wounds and one exit wound. He succumbed to his injuries and was pronounced dead at scene by Officer Slane at 1952 hours.

Note: The Riverside County Deputy Coroner Investigator's report incorrectly documented that CPD Officer Ryan Hubbard pronounced death at 1955 hours.

At approximately 2000 hours, Corona Fire Department (CFD) Engine No. 4, staffed by Captain Andreas Johansson, Firefighter (FF) Jason Escalera, Firefighter Paramedic (FF/PM) Trevor Wilding, and Engineer Ray Flores arrived at scene and began administering aid to Russell and Paola.

OIG Note No. 8: *According to Captain Johansson, "We originally staged, then were cleared to roll in by dispatch for PD. Pulled-up, met with officers to go in, and they were treating it like an active shooter. [...] And on an active shooter incident, we would respond to the station, grab our gear, and then go stage."*⁶⁷

Russell sustained a gunshot wound to his right flank and was brought out of Costco on a flat cart. He was then transferred onto a gurney and placed into an American Medical Response (AMR) ambulance, staffed by Emergency Medical Technicians (EMT) Joshua Laurel and Ebony Brown-Rush and two unknown CFD firefighters. Russell was

⁶⁷ Captain Johansson's transcribed statement to FID, Page 4, Lines 7-13.

ultimately transported to Riverside Community Hospital, where he underwent surgery (Addendum No. 9).

Paola sustained a through and through gunshot wound that entered her lower left abdominal area and exited her posterior side, midline between the buttocks. Paola was brought out of Costco on a flat cart and transferred onto a gurney. She was transported to Riverside Community Hospital by an AMR ambulance, staffed by EMTs Nicholas Blaquiere and Tommy Banks. Firefighter Escalera and FF/PM Wilding rode in the ambulance with Paola.

While en route to the hospital, FF/PM Wilding asked Paola what had occurred. Paola stated her son (Kenneth) had mental disabilities and that he “hit” or “touched” Officer Sanchez in the face. Paola then moved in front of Officer Sanchez and believed she was the first person to be shot. Emergency Medical Technician Blaquiere overheard Paola make a similar statement. According to Blaquiere, Paola said that Kenneth hit Officer Sanchez on the back of the head as he was holding a child. When Officer Sanchez turned around, she observed him with a gun and stepped in front of it to protect her husband and son. When asked why Kenneth struck Officer Sanchez, Paola explained that her son had “*neurological problems*,” was “*medically handicapped*” and could not control his actions (Investigators’ Note No. 12).⁶⁸

Officer Sanchez stated that after he was struck, he sustained severe hearing loss to his right ear, blurred vision, pain to the right side of his head, and loss of consciousness. Officer Sanchez walked out of Costco on his own and was transported to Corona Reginal Medical Center by an AMR ambulance, staffed by Paramedics Mauricio Castillo and Michelle Laperreur. Officer Slane also rode with Officer Sanchez to the hospital and remained with him until CPD detectives and representatives from LAPD arrived.

Prior to leaving Costco’s parking lot, Castillo walked with Officer Sanchez for approximately 10 yards to the ambulance. According to Castillo, Officer Sanchez was able to walk without assistance and negotiate his way into the ambulance on his own. Based on his observations, Castillo did not believe Officer Sanchez’ balance or gross motor skills were compromised in any way. Once inside the ambulance, Castillo observed Officer Sanchez place his hand on the right side of his head and complain of pain to his head. When asked by Castillo if he felt dizzy, nauseous or had blurred vision, Officer Sanchez replied, “*dizzy*.” According to Castillo, Officer Sanchez did not have symptoms indicative of being concussed. He did however, noticed what appeared to be a small, quarter sized hematoma to the right side of Officer Sanchez’ head.

Castillo said when he asked Officer Sanchez what occurred, he replied that he thought he had been shot in the back of his head. According to Castillo, Officer Sanchez also stated he had slipped, fell, hit his head and passed out. When Castillo asked Officer Sanchez how long he believed he was unconscious, he could not remember.

⁶⁸ The above information was gleaned from Officer Painter’s supplemental report (previously referenced as Addendum No. 4).

Note: Officer Slane's BWV captured the interaction between Castillo and Officer Sanchez while inside the ambulance. Based on a review of that video, it was determined Officer Sanchez never said he "slipped" nor was he asked by Castillo how long he believed he was unconscious.

Officer Sanchez was treated by Doctor Paul Batmanis, who ordered a computed tomography (CT) scan of his head and spine.⁶⁹ A review of Officer Sanchez' medical record revealed there was no evidence of acute intracranial hemorrhage (*bleeding inside the skull*), extra-axial collection (*a collection of fluid within the skull*), mass effect (*effect of a growing mass*), midline shift (*the result of something pushing the brain off its naturally centered position between the left and right hemispheres*), herniation (*the shifting of brain tissue, blood, and cerebrospinal fluid from their normal position inside the skull*), or hydrocephalus (*a condition in which fluid accumulates in the brain, enlarging the head*). The surrounding soft tissues and osseous structures (*bones*) were unremarkable (normal).⁷⁰ There was no documentation in Officer Sanchez' medical record that he sustained any trauma to his head or spine.

Officer Sanchez was discharged from the hospital on June 15, 2019, at 0032 hours and was prescribed pain and nausea medication to be used as needed. He was medically cleared to return to work full-duty, on June 19, 2019 (Addendum No. 10).

Note: Officer Sanchez signed a release authorizing the Department to obtain medical records related to his treatment at Corona Regional Medical Center. He also voluntarily provided a blood sample to FID investigators that was later analyzed and tested negative for the presence of alcohol and narcotics (Addendum No. 11) (Addendum No. 12).

Evidence

Corona Police Department Detective John Garcia was the assigned crime scene manager for this incident. He was assisted by Forensic Technician Walker and several other detectives from CPD, who examined the scene for ballistic impacts and projectiles. As a result of their examination, the following evidence was collected: (10) 9mm discharged cartridge casings, two projectiles, and a holster. On June 14, 2019, two additional bullet fragments were located by a member of Costco's Facility Maintenance Crew. Those items were subsequently collected and booked by CPD Detective Jessica Carbajal (Addendum No. 13) (Addendum No. 14) and (Addendum No. 15). Four areas within Costco were identified as having been possibly struck by gunfire and were marked A-D (Photolink-3).

⁶⁹ Medical record number CRM993855.

⁷⁰ On Page 23 of Officer Sanchez' medical record, there is a Nursing Triage note indicating that Officer Sanchez was running at the time of the incident, fell and lost consciousness. The origin of that information is unknown and appears to be erroneous.

Note: On June 15, 2019, at approximately 0015 hours, FID investigators were granted limited access by CPD to view the crime scene and associated evidence. After CPD finished processing the scene and collected their evidence, FID investigators were allowed back into Costco at approximately 0550 hours to conduct a walk-through and take positional photographs with Officer Sanchez.

Clothing Analysis

As part of their criminal investigation, CPD did not test the clothing recovered from Paola, Russell and Kenneth for gunshot residue or perform a distance determination analysis. On February 20, 2020, Detective Grabe contacted CPD and requested the release of the clothing to the Department in order to conduct the above testing. Corona Police Department advised that they would not release the clothing but offered to allow Department criminalists to examine them at the CPD facility.

Detective Grabe discussed this issue with Forensic Science Division (FSD) Firearms Analysis Unit (FAU) Supervising Criminalist Julia Wilkinson, Serial No. N4403, who advised that FAU personnel could not respond to another agency's facility to perform non-field laboratory analysis such as a distance determination, because of how the Department's laboratory was accredited.

She also indicated that the distance determination test utilized hazardous chemicals and required proper safety measures in order to protect the analysts. The effectiveness of those safety measures would be unknown if testing was performed in a non-Department laboratory. Criminalist Wilkinson added that if the results of the chemical testing warranted production of test fired exemplars, FAU would need the ammunition that was in the officer's pistol at the time of the shooting. If the ammunition was not available to be consumed in the testing, FAU advised they would not perform the test.

Note: The remainder of Officer Sanchez' ammunition was not made available by CPD to be consumed for testing.

At the time of the OIS, Kenneth was wearing a green, blue and white horizontal striped short-sleeve shirt, olive green shorts, and blue flip flop sandals. The shirt displayed one defect on the back left upper sleeve, three defects (left, middle, and right side) on the lower back of the shirt and two defects on the left lower front of the shirt. The shorts displayed one defect on the left upper lateral side and one defect on the left upper back. According to Doctor Schuman, who performed Kenneth's post-mortem examination, gunshot residue was not observed on his clothing (Photolink-4).

At the time of the OIS, Paola was wearing a yellow blouse with a red flower pattern and pink pants. The blouse displayed a defect on the lower front center. The pants displayed two defects. The first defect was located on the front side, left of the zipper and below the waistband area. The second defect was located on the center of the back side and below the waistband (Photolink-5).

At the time of the OIS, Russell was wearing a reddish colored shirt and black and gray camouflage shorts. Russell's shirt was removed by CPD Officer Dana Walker at scene as he administered first aid but was not recovered and booked as evidence. Russell's shorts were booked as evidence; however, there were no defects observed on them.

Coroner's Investigation

Coroner's Response:

On June 14, 2019, at approximately 2330 hours, Riverside County Deputy Coroner Investigator Michael Yturralez arrived at scene and began his preliminary investigation under Coroner Case No. 2019-07391. Yturralez examined Kenneth's body and preliminarily identified one "*defect*" to the left side of the pelvis, one to the left shoulder, two to the lower back, and one to the left buttock. During his examination, Yturralez recovered a projectile in the front waistband area of Kenneth's pants, which was later booked as evidence. Following the completion of Yturralez investigation, Kenneth's remains were transported to the Perris Forensic Center in preparation for the post-mortem examination (Addendum No. 16).

In the Coroner Investigation report completed by Yturralez, he documented preliminary information he received from CPD Detective Garcia as to what precipitated the OIS. During his initial briefing, Yturralez indicated he was told that Officer Sanchez bumped his shopping cart into Kenneth's cart. Kenneth then yelled, "You shot me!" and proceeded to punch Officer Sanchez an unknown number of times, causing him to fall to the floor. Kenneth continued to assault Officer Sanchez, who then unholstered his pistol and fired multiple rounds.

Note: This information proved to be erroneous. There was no evidence or witness statements to support that shopping carts had any involvement in this incident or that Officer Sanchez was struck more than once.

Autopsy:

On June 17, 2019, at 0909 hours, Riverside County Deputy Medical Examiner Doctor Leticia Schuman performed a post-mortem examination of Kenneth's remains. Force Investigation Division Detectives Grabe and Zesati, CPD Detective DeRuyter, and Riverside County Deputy District Attorney Kevin Beecham, were present during the examination. Doctor Schuman ascribed the cause of death to multiple gunshot wounds and obtained specimens from Kenneth's remains for toxicology analysis.

Doctor Schuman prepared an Autopsy Report which noted four gunshot wounds. Her numbering of those wounds was for descriptive purposes only and were not intended to imply an opinion concerning the chronological order in which the wounds were sustained.

Gunshot Wound No. 1: The gunshot wound entrance was located upon the left proximal dorsal upper arm, centered 14 ½ inches below the top of the head and 1 ½

inches to the right of the posterior midline of the left arm. The wound path had an anatomical position directed left to right and slightly upward. The projectile impacted the left rib, lungs and trachea. A jacketed projectile was recovered within the subcutaneous tissue and musculature of the right posterior shoulder. No soot deposition or powder tattooing was noted.

Gunshot Wound No. 2: The gunshot wound entrance was in the left lower back, centered 28 ½ inches below the top of the head and 1 inch to the left of the posterior midline of the back. The wound path had an anatomical position directed back to front, right to left and upward. The projectile impacted the left kidney, spleen, left lung, and left rib. A jacketed projectile was recovered within the subcutaneous tissue and musculature of the left anterior shoulder region. No soot deposition or powder tattooing was located.

Gunshot Wound No. 3: The gunshot wound entrance was located in the right lower back, centered 28 ½ inches below the top of the head and 4 ½ inches to the right of the posterior midline of the back. The wound path had an anatomical position directed back to front, left to right, and upward. Among other structures, the projectile impacted the pelvis, small intestine, gallbladder and liver. A slightly deformed, jacketed projectile was recovered within the subcutaneous tissue and musculature of the right anterior chest wall. No soot deposition or powder tattooing was located.

Gunshot Wound No. 4: The gunshot wound was located in the left buttock, centered 37 inches below the top of the head and 2 inches to the left of the posterior midline of the back. The wound path had an anatomical position directed back to front, right to left, and upward. The projectile impacted the pelvis. An exit gunshot wound was located in the left lower abdomen, centered 32 inches below the top of the head and 3 ½ inches to the left of the anterior midline of the abdomen. No projectile was recovered at the autopsy. No soot deposition or powder tattooing was noted (Addendum No. 17) and (Addendum No. 18).

Toxicology:

A 10-panel immunoassay drug screen was performed and screened for various illicit drugs, but none were detected. The toxicology report revealed the presence of Clozapine and Norclozapine in Kenneth's system (Addendum No. 19).

Note: The Mayo Clinic website describes Clozapine as medication used to treat severely ill patients with schizophrenia who have used other medicines that did not work well. It is also used to lower risk of suicidal behavior in patients with schizophrenia or schizoaffective disorder. Norclozapine is the major metabolite of Clozapine.

Weapon

Officer Sanchez was armed with his personally owned Department-approved Glock, Model 26, 9mm, semiautomatic pistol (Serial No. TMH458). The pistol was carried in a brown leather Department-approved off-duty holster and was worn on the inside of his

waistband. According to Officer Sanchez, his ten round magazine was equipped with a magazine extender, which increased the capacity to 12 rounds. Officer Sanchez advised he had a fully loaded magazine in his pistol with one round in the chamber prior to the OIS, for a total of 13 rounds.

On June 15, 2019, CPD Officer Hungerford was tasked examining Officer Sanchez' pistol. Officer Hungerford was assisted by CPD Forensic Technician Ethan Devlin, who took photographs. Officer Hungerford noted that the pistol was equipped with factory night sights and aftermarket grip tape. Officer Hungerford conducted a function check, which he described as normal and capable of firing. The magazine had a 10-round capacity with a +2-base plate, giving it a total capacity of 12 rounds. The pistol had one live cartridge in the chamber and two live cartridges loaded in the magazine. This was consistent with Officer Sanchez having fired 10 rounds during the OIS. All of Officer Sanchez' ammunition was Department-approved Speer LE Gold Dot G2 9mm Luger 147 grain. Officer Hungerford booked Officer Sanchez' pistol, magazine, and the three live cartridges into evidence (Addendum No. 20).

On February 20, 2020, Detectives Zesati and Grabe met with Officer Sanchez at his attorney's office to recover his pistol that was used in the OIS. The pistol was transported to LAPD/FAU for examination.

On March 24, 2020, FSD Criminalist II Jacob Seror, Serial No. N4571, finalized a report documenting the test firing of Officer Sanchez' Glock pistol. The pistol's trigger pull value was within the Department's established range for this firearm (Addendum No. 21).

Officer Sanchez's pistol was entered into the Firearm Inventory Tracking System on June 20, 2019.⁷¹

Firearm Analysis

While examining the BWV of CPD Officer Slane, who was the first officer on scene, FID investigators noticed Officer Sanchez was lying on the floor directly in front (south) of the Aidells booth and not near the west side of the booth, as he demonstrated during his walk-through and described in his administrative interview. When questioned regarding this issue, Officer Sanchez indicated he did not move or change position after falling to the floor and firing his pistol.

In examining the impacts to the glass front of the refrigerator case (labeled A and B), it seemed improbable Officer Sanchez could have caused both impacts from the position he was in when first approached by Officer Slane. In an effort to resolve this conflict, FID Investigative Support Unit Police Officer II David Chou, Serial No. 37776, utilized CPD's crime scene measurements and the Department's mapping software to establish

⁷¹ A supplemental report was issued On May 19, 2020, by the Commanding Officer, Force Investigation Division, correcting the date that Officer Sanchez's pistol was entered into the Firearm Inventory Tracking System to June 20, 2013.

bullet path trajectories for the above impacts. Officer Chou was able to show that both impacts were likely caused by projectiles fired from one location near the west side of the Aidells booth, consistent with where Officer Sanchez placed himself during his walk-through. The discrepancy between where Officer Sanchez was observed following the OIS, and where he described his shooting position to be, was not resolved.

OIG Note No. 9: *The physical and video evidence supports the conclusion that Officer Sanchez moved his position after firing the rounds that created the impacts in the glass front of the refrigerator case, prior to the subsequent arrival of Officer Slane. The precise timing and manner of this movement, however, were not established by the investigation.*

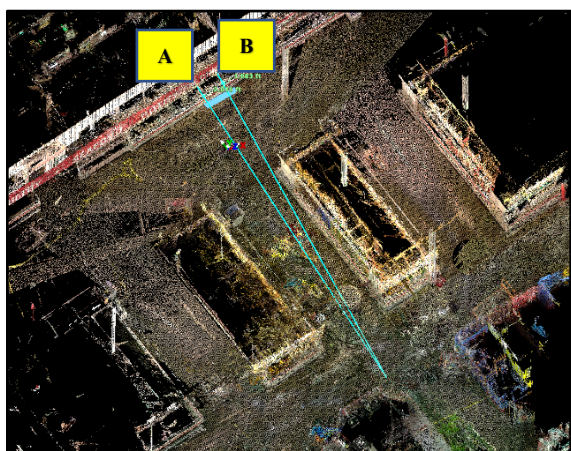
The photographs on the following page were included to aid the reader in understanding this issue.



[BWV image of Ofcr Sanchez upon Ofcr Slane's arrival]



[Yellow arrow represents position of Ofcr Sanchez' head at time of OIS. His torso and legs were lying in a southeasterly direction]



[FARO scan image (Left) and scene photograph (Right) depicting trajectories of Impacts A and B]⁷²

⁷² According to Officer Chou, there could be as much as a five-degree margin of error (top to bottom and left to right) for the bullet path trajectories depicted above.

Visual Documentation

Digital In-Car Video System (DICVS)

According to CPD, there were 19 DICVS videos related to this incident. All of those videos were of CPD units that responded to this incident after the OIS and parked outside of the Costco. Each of the videos were viewed by an FID investigator and were determined not to have investigative value.

Body Worn Video (BWV)

According to CPD, there were 23 BWVs obtained related to this incident. All of those videos were of CPD officers that responded to this incident after the OIS. Some of those videos captured various portions of the incident, including statements made by Officer Sanchez and numerous witnesses. Each BWV was reviewed by an FID investigator. The segments of BWV deemed most relevant were included as links in this report.

Social Media

Force Investigation Division Police Officer II John Sewell, Serial No. 36614, monitored social media sites and news organizations from the date of the incident until the submission of this investigation. This incident was highly publicized by local news outlets and was discussed by several individuals on various social media posts. Additionally, there were multiple printed news articles related to this incident, as well as a post-OIS cell phone videos circulating in the media. Force Investigation Division investigators reviewed all the information contained in the above-mentioned media and coordinated with investigators from CPD to ensure attempts were made to identify and interview all potential witnesses to this incident.

Outside Video

At the time of the incident, Costco was equipped with 46 security cameras mounted at various locations inside and outside of their building. These cameras were individually labeled based on their location and recorded without audio at 10 frames per second. The only camera found to have captured a portion of this incident was designated "Camera Centers (3)" and was mounted 15 feet above the floor and approximately 150 feet from the Aidells booth. A zoomed in video from this camera was previously shown on page 11 of this report.⁷³

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⁷³ Corona Police Department Detective Daryl Sailer obtained all of the video from Costco's security system and verified that the time stamps were accurate.



[Image from Costco's "Centers (3)" camera, with a white arrow pointing toward location of the OIS]

Photographs

Technical Investigation Division (TID) Photographer III Eric Hood, Serial No. N5825, responded to 480 North McKinley Street and photographed the scene and the involved officer for the administrative investigation. The photographs are stored at TID under Digital Control No. 0769709.

Corona Police Department Forensic Technician Walker photographed the crime scene and evidence collected for the criminal investigation. The photographs were stored at TID under Digital Control Nos. 0797043 and 0797044.

Corona Police Department also used an UAS to take aerial photographs of the crime scene. The photographs were stored at TID under Digital No. 0797041.

Corona Police Department Forensic Technician Devlin utilized a FARO® scanner to document and measure the location of evidence and ballistic impacts at the crime scene. Using proprietary software, the FARO scanner has the ability to create three dimensional renderings of an OIS scene. The FARO scan data was retained in the FID case book and is available for review. Technician Devlin also responded to Corona

Reginal Medical Center and photographed Officer Sanchez for the criminal investigation. The photographs were stored at TID under Digital No. 0797042.

A representative from the Riverside County Sheriff's Department, Coroner Division, photographed the crime scene and Kenneth's autopsy. The Riverside County Coroner photographs were stored at TID under Digital No. 0797045.

On March 11, 2020, TID Photographer III Gary Glade, Serial No. V9606, responded to the Corona Police Station and photographed Paola's clothing for the administrative investigation. The photographs were stored at TID under Digital No. 0796960.

Notifications

On June 14, 2019, at 2130 hours, Sergeant Richardson notified the Department Operations Center regarding this incident. The details of the subsequent notifications are attached (Addendum No. 22).

Personnel at Scene

On June 15, 2019, at approximately 0015 hours, FID Detective II Michael Arteaga, Serial No. 32722, was the first FID investigator to arrive at scene.

Communications

A copy of the Incident History recall printout associated with this occurrence, Incident No. 190614006645, is on file at FID. The incident was created via a Mobile Digital Computer; there was no corresponding audio.

Justice System Integrity Division (JSID)

On June 27, 2019, investigators from CPD presented this case to the Riverside County District Attorney's Office for filing consideration. The Riverside County District Attorney's Office in turn conducted their own follow up investigation, and on September 9, 2019, elected to convene the Riverside County Criminal Grand Jury to review the matter. Many of the witnesses mentioned in this administrative report gave sworn testimony in that proceeding. On September 24, 2019, the Grand Jury reached a decision of "No Bill," indicating there would be no indictment against Officer Sanchez.

Following the announcement of the Grand Jury's decision, Detective Zesati drafted a letter to the Riverside County District Attorney's Office asking for the witness testimony and evidence presented at the Grand Jury. The Riverside County District Attorney's Office responded with a letter advising that a court order would be required to obtain the release of the sealed transcripts, exhibits, and evidence presented during the proceeding. Due to the administrative nature of the Department's investigation, a court order was not pursued.

Statute

In accordance with the provisions set forth in California Government Code Section 3304 of the Public Safety Procedural Bill of Rights Act, the one-year administrative statute date for this investigation was tolled for 102 days. This number reflects the total time this incident was investigated criminally by CPD and subsequently reviewed by the Riverside County Grand Jury.

The new administrative statute date was established as September 24, 2020.

Investigators' Notes

1. As a result of this incident occurring outside the Department's jurisdiction, the criminal investigation was completed by the Corona Police Department (CPD). Force Investigation Division investigators attempted to re-interview all relevant witnesses identified by CPD; however, several declined. Information regarding the witnesses who refused to be re-interviewed by FID investigators were documented in Investigators' Notes.
2. Canchon was interviewed by CPD Detective Lisa Larios on June 18, 2019. On December 11, 2019, FID Detective II Ubaldo Zesati, Serial No. 30078, called Canchon and left a voice message requesting he call back to schedule an interview. On December 17, 2019, at 2000 hours, Detective Zesati and FID Detective III Timothy Grabe, Serial No. 32649, responded to Canchon's residence and attempted to speak with him regarding the incident. Canchon indicated he did not wish to be interviewed any further regarding this investigation. A formal Department letter was subsequently mailed to Canchon's residence requesting his cooperation in this matter. As of the completion of this report, he has not responded.
3. Prior to Boladian's FID interview, she was interviewed twice by CPD detectives and testified at the Riverside County Criminal Grand Jury. During her first interview with CPD, she stated the person who struck Officer Sanchez was the same person who stated, "*You shot me, you shot me, you shot me.*" During her second interview with CPD, she stated it was Officer Sanchez that made that statement; however, she had trouble remembering if it was the younger male (Kenneth) or older male (Russell) that struck Officer Sanchez. During that same interview, she expressed reluctance to provide a statement, because she did not want to go to court.

When Boladian was subsequently interviewed by FID detectives, she clearly recalled that it was Kenneth who struck Officer Sanchez. She also reiterated that it was Officer Sanchez who stated, "*You shot me, you shot me.*"

4. Shokoor was originally interviewed by CPD Officer Michael Neff. While referring to her observations of Kenneth, Shokoor stated she saw "*the disabled guy touch or hit him [Officer Sanchez].*" During a re-interview by CPD Detective Garey Painter;

however, she said she only heard what she assumed was a slap and did not actually see anyone get hit. In an attempt to clarify this issue, on December 11, 2019, FID Detective Zesati spoke with Shokoor by phone and scheduled an interview with her for December 16, 2019. On December 13, 2019, Shokoor emailed Detective Zesati cancelling the interview and added that she was no longer willing to assist with the investigation. A formal Department letter was subsequently mailed to Shokoor's residence requesting her cooperation in this matter. As of the completion of this report, she has not responded.

OIG Note No. 10: *Shokoor did not tell Officer Neff that she visually witnessed the assault by Kenneth. Officer Neff's BWV captured Shokoor describing the incident and stating, "I heard this loud noise, I turned around and I think what this disabled guy had done, he had touched him [Officer Sanchez] or hit him."*⁷⁴

*A report subsequently written by Officer Neff inaccurately stated that Shokoor said she saw Kenneth touch or hit Officer Sanchez.*⁷⁵

5. When interviewed by CPD Detective Robert Gonzalez, McFerrin utilized a diagram to indicate his location at the time of the incident. That diagram, however, was not attached to Detective Gonzalez' supplemental report given to the Department. Detective Zesati contacted CPD regarding this issue and was advised by Forensic Technician II Lynsey Walker that Detective Gonzalez no longer had the diagram.

In an effort to obtain additional information from McFerrin, FID Detective II Jerry Sally, Serial No. 36130, made several attempts to re-interview him. After having cancelled two scheduled interviews, McFerrin advised that he did not wish to be interviewed further regarding this matter. A Department letter was subsequently mailed to McFerrin requesting an interview with him. As of the completion of this report, he has not responded.

6. Juan Mercado was interviewed by CPD Detective Jesus Jurado on June 14, 2019. In an effort to obtain additional information from Mercado, on December 18, 2019, FID Detectives Zesati and Linscomb responded to the Costco in the City of Corona and met with Assistant General manager, Joseph Wenmouth. Wenmouth stated Mercado did not wish to be interviewed further regarding this incident. Wenmouth added that if Mercado were to be interviewed, he would be represented by a Costco attorney. A formal Department letter was subsequently mailed to Mercado's residence requesting an interview with him. As of the completion of this report, he has not responded.

⁷⁴ Officer Neff's BWV at the 1:50 time stamp.

⁷⁵ Corona Police Department Report WS-22.

7. Immediately following this incident, multiple witnesses overheard Rosemary making comments about the OIS. Gagnon believed Rosemary was concerned Officer Sanchez was going to jail for shooting Kenneth and heard her screaming, *"Oh, my god. Oh, my god!"...He [Sanchez] shot somebody he wasn't supposed to shoot.*⁷⁶ McFerrin heard a similar comment and advised Rosemary stated, *"Oh my God. My husband...He's going to jail."*⁷⁷ Brown indicated Rosemary was hysterical after the incident and overheard her say, *"I knew something like this was going to happen."*⁷⁸ Customer Danny McCutcheon said he overheard Rosemary talking to Officer Sanchez. Rosemary appeared exasperated and repeatedly asked Officer Sanchez, *"Why did you have to shoot them all? Why did you have to kill the whole family?"*⁷⁹ According to Customer Charmin Yolanda Collins-Cepeda, Rosemary screamed, *"My husband! What's gonna happen to my husband? He was only trying to defend himself."*⁸⁰ Manning observed a dark haired lady holding an infant running out of the Costco and believed it was Officer Sanchez' wife. He overheard this person crying and say, *"Why did he have to do that?"*⁸¹ Based on this person's reaction, Manning believed she was somehow involved in the incident or observed it.

In addition to the above statements, a conversation between Rosemary and Officer Sanchez was recored on Officer Slane's BWV after they had been escorted out of the Costco. During that conversation, Rosemary asked Officer Sanchez what occurred and appeared to question him for shooting someone who was unarmed. Due to multiple conversations occuring in the background, the interaction between Rosemary and Officer Sanchez was difficult to hear. The following dialogue is believed to have transpired:

Rosemary: *"What happened?"*

Officer Sanchez: *"I thought I got shot."*

Rosemary: *"Why would you do it that way?"*

Unable to hear response due to Officer Slane speaking with Manning in background.

Rosemary: *"But what did he do to you? Nothing?"*

Officer Sanchez: *"He shot me."*

Rosemary: *"Yeah, I'm listening to you. Uh-huh, and you shot him? He didn't have anything on him?"*

Unable to hear response due to Officer Slane speaking with Manning.

⁷⁶ Gagnon's transcribed statement to CPD, Page 28, Lines 23 and 24.

⁷⁷ McFerrin's transcribed statement, Page 12, Lines 18-25.

⁷⁸ Brown's transcribed statement, Page 32, Line 24.

⁷⁹ McCutcheon's transcribed statement, Page 4, Lines 10-12.

⁸⁰ Yolanda Collins-Cepeda's transcribed statement, Page 13, Lines 5 and 6.

⁸¹ Manning's transcribed statement to FID, Page 60, Line 2.



(Videolink)

During her interview with FID investigators, Rosemary was asked about the above statements. Rosemary advised that she did remember making comments about Officer Sanchez going to jail and explained that they were based on her perception of a current negative political sentiment involving police officers. Rosemary also stated that at the time she made those statements, she did not know what had actually transpired or whether or not Kenneth was armed during the incident. Rosemary did not remember stating, *“I knew something like this was going to happen”* or *“He [Officer Sanchez] was only trying to defend himself.”* She also denied asking Officer Sanchez why he had to *“kill the whole family”*. Rosemary stated that at the time of the incident, she did not know the individuals involved were related to one another.

When asked about her conversation with Officer Sanchez that was recorded on Officer Slane’s BWV, Rosemary said she was suffering from anxiety at that time and did not know why she responded the way she did. She also reiterated that at the time of that conversation, she did not know anything about the OIS.

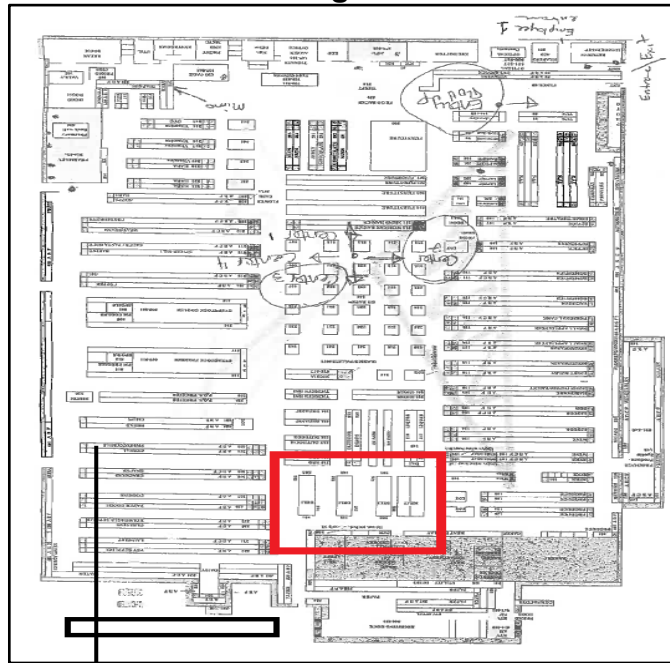
8. When interviewed by CPD Detective Jesse Marquez, Witte utilized a diagram to indicate his location at the time of the incident. That diagram, however, was not attached to Detective Marquez’ supplemental report given to the Department. Detective Zesati contacted CPD regarding this issue and was advised by Forensic Technician II Lynsey Walker, that Detective Marquez was not able to locate the diagram.
9. Barraza was interviewed by CPD Detective Mark DeRuyter on June 18, 2019. In an effort to obtain additional information from Barraza, Detective Zesati made several attempts to re-interview him. Barraza cancelled those interview dates and stated he was busy with his responsibilities as a military reservist and as a correctional officer. A Department letter was mailed to Barraza requesting an interview with him. As of the completion of this report, he has not responded.
10. When interviewed by CPD Detective Wood, Matz utilized a diagram to indicate his location at the time of the incident. That diagram, however, was not attached to Detective Wood’s supplemental report given to the Department. Detective Zesati

contacted CPD regarding this issue and was advised by Forensic Technician Walker, that Detective Wood had since retired and no longer had the diagram.

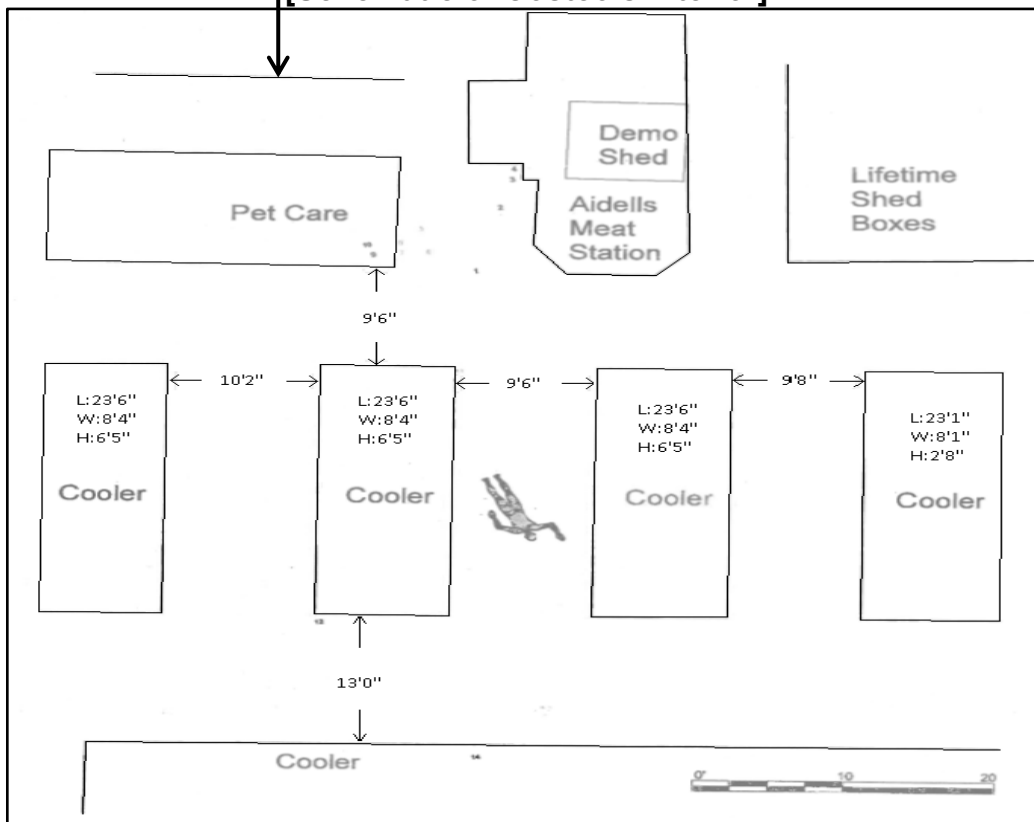
11. Brown was interviewed by CPD Detective Gail Gottfried on June 18, 2019. In an effort to obtain additional information from Brown, FID Detective III Timothy Grabe, Serial No. 32649, attempted to schedule an interview with him. Brown stated that Costco management advised him not to participate in an interview unless the Department obtained a court order mandating him to do so. Due to the administrative nature of the Department's investigation, a court order was not pursued. A formal Department letter was subsequently mailed to Brown's residence requesting an interview with him. As of the completion of this report, he has not responded.
12. In furtherance of the Department's administrative investigation, on January 9, 2020, Detective Zesati contacted AMR and requested to interview the paramedics who treated Russell and Paola. He was advised by AMR representative Jessica Metz, that interviews with their personnel would only be granted upon receipt of a court order or signed medical release from their patients. As previously mentioned, Russell and Paola have not responded to FID's request for information. Due to the administrative nature of the Department's investigation, a court order was not pursued.

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Diagram



[Schematic of Costco's interior]



[Scene diagram completed by CPD Detective Garcia – annotated with measurements obtained by FID]

CHIEF OF POLICE REPORT⁸²

Chief of Police Findings

Tactics – Administrative Disapproval, Officer Sanchez.

Drawing/Exhibiting – Out of Policy, Administrative Disapproval, Officer Sanchez.

Lethal Use of Force – Out of Policy, Administrative Disapproval, Officer Sanchez.

Chief of Police Analysis

Detention

- *Officer Sanchez was off-duty and shopping with his family at a store. While Officer Sanchez was holding his son and obtaining a food sample at a food vendor's booth, he was struck in an unprovoked attack, resulting in an OIS. While Officer Sanchez did not seek to conduct enforcement activity, he was a victim of a crime.*

Tactics

- Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

⁸² The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication** (*Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques*)

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

- **Planning** – Officer Sanchez was off-duty in civilian clothing, armed with his pistol concealed in a holster, and shopping in a store with his family. While obtaining a food sample and holding Noah, Officer Sanchez was struck on the right side of his head in an unprovoked attack, and subsequently became involved in an OIS. The unanticipated attack limited Officer Sanchez' ability to plan for this incident; however, with regard to planning ahead for a possible off-duty incident, Officer Sanchez stated he had discussed actions to take with Rosemary should such an incident occur. Additionally, Officer Sanchez stated he practiced shooting his off-duty pistol approximately once every six months. Officer Sanchez kept his pistol loaded with Department-approved ammunition and secured it inside of a holster that met the Department's off-duty holster requirements.
- **Assessment** – Officer Sanchez stated that he thought he had been shot in the back of the head, was paralyzed, and lost consciousness. Officer Sanchez did not mention that he had lost consciousness or that he was paralyzed in his initial contact with CPD Officer Slane. There was no record of Officer Sanchez expressing to anyone at scene or to a medical professional that he experienced paralysis. According to the FID investigation, Officer Sanchez did not sustain any verifiable injury during this incident.

Officer Sanchez described seeing, out of his peripheral vision, Kenneth point a black compact firearm approximately one inch from the right side of Officer Sanchez' head; however, none of the identified witnesses observed Kenneth with a firearm or a firearm pointed at Officer Sanchez' head. Additionally, investigating personnel did not locate any evidence of an additional firearm or any object that could be construed as a firearm in their canvassing of the immediate area.

In his assessment, Officer Sanchez stated he believed Kenneth was still holding a firearm in his right hand, with his right arm extended down to his side while in the aisle. Furthermore, he described Kenneth as having stopped, turning to his right, and facing Officer Sanchez. Officer Sanchez stated Kenneth began to raise his right arm in Officer Sanchez' direction, while still holding the firearm. According to the

FID investigation, the store's surveillance video did not depict Kenneth walking in the aisle by himself, turning around, and raising his right arm.

Officer Sanchez stated that after he fired his first two rounds, Kenneth fell in a manner that Officer Sanchez assessed was a threat because Kenneth was facing Officer Sanchez with his arm still extended outward. Officer Sanchez stated that Kenneth had closed fists and was holding what Officer Sanchez believed was a firearm. Officer Sanchez described Kenneth taking a shooting platform while raising his right arm. According to the FID investigation, the surveillance video depicted Kenneth initially falling on his left side, with his back towards Officer Sanchez.

Although Officer Sanchez stated Kenneth was in possession of a firearm throughout the entirety of this incident, Officer Sanchez stated the last time he observed Kenneth holding a firearm was prior to Officer Sanchez firing his first volley.

The investigation determined that Officer Sanchez fired a total of 10 rounds. In his first FID interview, Officer Sanchez stated he conducted an assessment after firing each round. In his second FID interview; however, Officer Sanchez believed he assessed only between volleys. Officer Sanchez stated he fired all of his rounds within two seconds and estimated there was less than a second between his first and second volleys.

As previously mentioned in his first FID interview, Officer Sanchez stated he experienced tunnel vision and focused through his sights on Kenneth's chest area. In his second FID interview, Officer Sanchez clarified that he had experienced blurred vision rather than tunnel vision, but he was still able to assess that Kenneth was holding a firearm. Officer Sanchez incorrectly assessed that Kenneth was armed with a firearm, which resulted in an OIS. Officer Sanchez stated that he assessed Kenneth to be in possession of a firearm throughout the entirety of this incident. The investigation by CPD and FID did not identify any corroborating evidence or witnesses who observed that Kenneth was in possession of a firearm or object which resembled a firearm.

- **Time** – Due to this incident being an unprovoked attack, the time afforded to Officer Sanchez to plan for such was limited and did not provide him the opportunity to move to a position of cover or gain additional distance from Kenneth prior to the assault. However, after the assault, Officer Sanchez did not take the time to assess his physical condition or his level of injury prior to unholstering his pistol. Officer Sanchez stated that he believed that he had been shot in the back of the head but had no verifiable injury. Assessing that he had not, in fact, been shot would have allowed Officer Sanchez more time and options rather than drawing his firearm and ultimately resorting to the use of lethal force. Officer Sanchez made no attempts to communicate with Kenneth in an effort to de-escalate the incident. Additionally, Kenneth was being pushed away from Officer Sanchez and was not armed. Officer Sanchez did not take the time to correctly assess the incident and to analyze the threat.

- **Redeployment and/or Containment** – It would have been preferable for Officer Sanchez to take a position of cover or concealment to allow him additional time to assess the incident properly and safely secure himself and Noah from further harm. A position of cover would also provide Officer Sanchez with time to consider additional options and mitigate the risk of resorting to the use of lethal force.
- **Other Resources** – Since Officer Sanchez was off-duty, his available resources were limited. Had Officer Sanchez awaited the arrival of the jurisdictional law enforcement agency, he would have benefited from the valuable resource of additional responding personnel who would have assumed investigative responsibility and taken appropriate action, thereby reducing the risk to Officer Sanchez and other persons in the immediate area.
- **Lines of Communication** – Following the unprovoked physical assault by Kenneth, Officer Sanchez did not verbalize to Kenneth to stop his actions, nor did he advise nearby shoppers that an armed person was presenting an immediate safety hazard. Following the OIS, Officer Sanchez focused on his perceived injury and did not exercise control to warn bystanders to avoid the area and keep them away from Kenneth.

As the incident progressed requiring CPD response, Officer Sanchez was noticeably lacking and hesitant in his response to initial responding CPD personnel and failed to communicate essential, pertinent, and relevant public safety information, thereby reducing the ability of CPD officers to respond efficiently in a critical incident. The choice to provide incomplete information also delayed the administering of medical aid to injured victims by CFD personnel who were staged outside of the store until the location was deemed safe enough to enter. Additionally, Officer Sanchez did not immediately identify himself as an armed, off-duty police officer, in accordance with the Department's guidelines. Officer Sanchez' decision to not identify himself as a police officer after being involved in a significant off-duty incident and OIS, increased his risk for being misidentified as a suspect from the local responding law enforcement agency.

The UOFRB determined, and the Chief concurred, that Officer Sanchez did not appropriately utilize the elements of de-escalation and substantially deviated without justification from approved Department tactical training. Officer Sanchez would have benefited from properly assessing his environment and surroundings which would have afforded him additional options rather than resorting to the use of lethal force.

During the review of the incident, the following Debriefing Topics were noted:

- **Debriefing Point No. 1 Situational Awareness**
(Substantial Deviation without Justification – Officer Sanchez)

No matter what patrol strategy is deployed, officers on patrol must rely on their own observation and perception skills. Officers must function as trained observers.

Officers on patrol are expected to practice disciplined observation and apply their training and experience to accurately perceive what is occurring or is about to occur.

To an officer, observation means the ability to gather information by noting facts or occurrences with a heightened sense of awareness. While on patrol, officers must use not only their eyes, but all of their senses including hearing, smell, etc., to obtain information from the outside world. Observation can be enhanced by training (knowing what to look for), experience (knowing where and when to look for it), a variety of special tools (e.g., binoculars, night vision scopes, etc. (California Commission on Peace Officer Standards and Training, Revised July 2005, Workbook Correction April 2012, Learning Domain No. 21)

In this case, Officer Sanchez did not take the time to assess his physical condition or his level of injury prior to unholstering his pistol. Officer Sanchez stated that he believed that he had been shot in the back of the head but had no verifiable injury. Assessing that he had not been shot would have allowed Officer Sanchez more time and options rather than drawing his firearm and ultimately resorting to the use of lethal force.

In this incident, Officer Sanchez incorrectly assessed that Kenneth was armed with a firearm, which resulted in an OIS. Officer Sanchez stated that he assessed Kenneth to be in possession of a firearm throughout the entirety of this incident. The investigation by CPD and FID did not identify any corroborating evidence or witnesses who observed that Kenneth was in possession of a firearm or object which resembled a firearm.

The UOFRB acknowledged Officer Sanchez was the victim of an unprovoked attack; however, Officer Sanchez' lack of assessment and the resultant deficient situational awareness caused the UOFRB great concern. The UOFRB noted Officer Sanchez had an obligation to take the time to assess the situation prior to making the decision to draw and exhibit a firearm inside of a crowded store. While Officer Sanchez stated that he believed he had sustained a gunshot wound to the back of his head, Officer Sanchez did not have any verifiable injury. This mistaken belief was cited by Officer Sanchez as a factor in his decision to draw and exhibit his firearm. Although Officer Sanchez had been struck by Kenneth's hand in some manner, he was obligated to conduct an assessment in order to react appropriately.

The UOFRB noted that Officer Sanchez did not correctly assess the incident and believed that Kenneth was armed with a firearm. Officer Sanchez did not conduct a proper assessment of his background where the incident occurred, which was in a crowded warehouse store on a Friday evening. The UOFRB reviewed all of the evidence that was available, including transcripts from witnesses. The only firearm recovered at the incident was possessed by Officer Sanchez. There were no witnesses who observed Kenneth armed with any firearm or in possession of any object that resembled a firearm.

The UOFRB also noted that Officer Sanchez had sufficient time to assess and consider his tactical options rather than escalate the situation by drawing and discharging his pistol. The UOFRB was concerned that Officer Sanchez did not take more time to analyze the threat. Based on the preponderance of the evidence and Officer Sanchez' inconsistent accounts, the UOFRB determined that Officer Sanchez did not assess the situation accurately. At the time of the OIS, Russell was with Kenneth who was in the process of moving away from Officer Sanchez.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Sanchez did not properly assess the situation. The UOFRB determined, and the Chief concurred, Officer Sanchez' actions unjustifiably and substantially deviated from approved Department tactical training. The Chief will direct this be a topic of discussion during the Tactical Debrief.

- **Debriefing Point No. 2 Tactical Communication**
(Substantial Deviation without Justification – Officer Sanchez)

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:

- *advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.),*
- *avoid inappropriate interruptions, and*
- *avoid giving directions which conflict with those given by the primary officer. Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command*

(California Commission on Peace Officers Standards and Training, Learning Domain)

Lines of Communication. Maintaining open lines of communications between officer and communicating effectively with a suspect are critically important when managing a tense or potentially dangerous encounter. Communication between officers can improve decision-making under tense circumstances and increase the effectiveness of coordinated actions. In addition, when a suspect observes that officers are prepared, well organized, professional, and working as a team, he or she may be deterred from attempting to flee, fight, or actively resist. (Use of Force Tactics Directive No. 16 –Tactical De-Escalation Techniques)

Officer Sanchez did not effectively communicate essential and relevant safety information to responding law enforcement personnel. Officer Sanchez did not

employ the elements of de-escalation to reduce the intensity of the encounter with Kenneth, nor did he warn bystanders to keep a safe distance from Kenneth.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

As the incident progressed requiring CPD response, Officer Sanchez was noticeably lacking and hesitant in his response to initial responding CPD personnel and failed to communicate pertinent and important public safety information, thereby reducing the ability of CPD officers to respond efficiently and coordinate their actions in a critical incident. This lack of cooperation also hindered other first responders, such as paramedic and fire department personnel.

Officer Sanchez' lack of communication to responding personnel also resulted in the deployment of CPD officers into the store and a tactical search of the location for possible additional suspects. The tactical search of the store unnecessarily utilized CPD resources and also placed them at unnecessary and increased risk of a mishap or accident.

Additionally, Officer Sanchez' choice to provide incomplete information also delayed the response to injured victims by CFD personnel who were staged outside of the store until the location was deemed safe enough to enter. Due to CPD personnel believing this incident was an active shooter event, CFD personnel were kept outside of the store until the tactical situation had stabilized sufficiently to allow CFD personnel into the location. This created a delay of medical treatment being more expeditiously rendered to critically injured persons inside of the store.

Officer Sanchez did not immediately identify himself as an armed, off-duty police officer, in accordance with the Department's guidelines, thereby increasing his risk for being misidentified as a suspect from the local responding law enforcement agency.⁸³

Following the unprovoked physical assault by Kenneth, Officer Sanchez did not verbalize to Kenneth to stop his actions, nor did he advise nearby shoppers that an armed person was presenting an immediate safety hazard. Subsequent to the OIS, Officer Sanchez focused on his perceived injury and did not exercise control to warn bystanders to avoid the area and keep them away from Kenneth for their own safety.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Sanchez' did not appropriately utilize the elements of de-escalation. Moreover, Officer Sanchez' lack of communication during this incident

⁸³ Los Angeles Police Department Training Bulletin, Volume XLVI, Issue 2, "Off-Duty Actions," August 2017.

placed the responding CPD officers at a tactical disadvantage, increased the intensity of the encounter, and endangered the public.

Officer Sanchez is reminded that effective communication of possible tactical concerns to other law enforcement personnel is vital in their ability to react and respond to threats that may arise during a tactical encounter. When faced with a tactical incident, overall safety is improved by an officer's ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

The UOFRB determined, and the Chief concurred, Officer Sanchez' actions unjustifiably and substantially deviated from approved Department tactical training. The Chief will direct this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topic

- **Off-Duty Actions** - Officer Sanchez had just been involved in an off-duty OIS. Officer Sanchez did not notify his command directly that he was involved in a significant off-duty incident in which he discharged his pistol. Officer Sanchez is reminded that officers who are involved in a reportable use of force incident shall notify their supervisor or watch commander without unnecessary delay. The Chief will direct this be a topic of discussion during the Tactical Debrief.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process. (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018)

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as

having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues. (Los Angeles Police Department Manual, Volume 3, Section 135)

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance. (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide)

Lieutenant Merlo responded to the Corona Regional Medical Center and monitored Officer Sanchez until he was relieved of that duty by FID investigators. The details of Officer Sanchez' separation and monitoring were recorded on the Watch Commander's Daily Report, dated June 14, 2019.

In reviewing this incident, the actions of Lieutenant Merlo were consistent with Department supervisory training and the Chief's expectation of a field supervisor during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that the tactics utilized by Officer Sanchez tactics substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, the Chief will direct that Officer Sanchez attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- Office Sanchez has not yet attended a GTU as he has been assigned to his residence pending the final adjudication of this incident.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified."* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)

According to Officer Sanchez, he observed Kenneth walking in a southwest direction in a nearby food aisle. Officer Sanchez stated there were two shoppers in the aisle with Kenneth, a male (later identified as Russell) and a female (later identified as Paola). Officer Sanchez believed he heard Russell state, "He's crazy. He's sick." Officer Sanchez believed it was stated because "they had just witnessed ... me being shot in the head at point-blank." Officer Sanchez stated that Kenneth was still holding a firearm in his right hand with his right arm extended down to the side and walked with an "absolute mission." Officer Sanchez stated Kenneth continued to look at him and Noah as they were laying on the floor. Upon perceiving Kenneth was still armed with a firearm, Officer Sanchez used his left hand to lift his shirt and then used his right hand to remove his pistol, which was holstered inside of his right front waistband. Officer Sanchez drew his pistol because he believed Kenneth was a deadly threat to both him and Noah. Officer Sanchez stated he did not identify himself as a police officer because he did not have time to do so.

Officer Sanchez recalled,

Southwest... Into the aisle, not away from me, but still in close proximity.⁸⁴

I recall two shoppers closer to the frozen aisle section.⁸⁵

...as he walked and as I was drawing out my weapon, I heard someone yell out, "He's crazy. He's sick." And I remember thinking, yeah, he's crazy and, yes, he's sick. Who would ever shoot their -- who would ever shoot someone while they're holding their little boy at a Costco? And I believe that people said that because they had just witnessed being -- me being shot in the head at point-blank.⁸⁶

⁸⁴ Officer Sanchez' first transcribed statement to FID, Page 36, Lines 2, 6-7.

⁸⁵ Officer Sanchez' first transcribed statement to FID, Page 37, Lines 19-20.

⁸⁶ Officer Sanchez' first transcribed statement to FID, Page 17, Lines 19-25, Page 18, Lines 1-2.

...he walked with an absolute mission – purpose looking down at me, still holding that black, small handgun in his right hand...his body's direction was almost repositioning himself to come back and face me again. During this time, I still believed he was a deadly threat towards me and my son, and at the same time I began to draw my weapon.⁸⁷

With my left hand, I lifted up my shirt ever so slightly just so expose the weapon to free it from any clothing. I recall, with my right hand, placing it around the handle of the weapon, and I pulled it out.⁸⁸

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Sanchez' Drawing/Exhibiting.

The UOFRB majority noted that although the attack on Officer Sanchez by Kenneth was unprovoked, the inconsistencies in Officer Sanchez' statements and the lack of supporting evidence led them to determine that this incident did not support the drawing and exhibiting of a firearm by Officer Sanchez. An officer's statements and explanation of actions merit significant review; however, in this particular case, Officer Sanchez' statements were conflicting, contradictory, and confusing within the two interviews. This caused the UOFRB great concern. This required the UOFRB majority to rely on timelines, witness statements, CPD BWV immediately following the incident, and in-store video to discern what Officer Sanchez did or did not believe at the point he chose to draw and exhibit his pistol.⁸⁹

The UOFRB majority also noted that Officer Sanchez indicated he was struck hard enough to be rendered unconscious, yet after receiving medical treatment, there was a lack of any substantiated injuries from Kenneth's strike and what Officer Sanchez stated was a subsequent fall to the ground. Officer Sanchez provided a detailed description of his observations of Kenneth's movements after being struck, which were inconsistent with being unconscious. Based on Officer Sanchez' assertion that he was unconscious, had blurred vision, was dizzy, and somehow partially incapacitated, drawing and exhibiting a firearm in that situation would have created a greater vulnerability to both himself and Noah. Officer Sanchez indicated he had suffered a concussion and had received a gunshot wound to the back of his head, which the UOFRB majority noted should cause a person to consider their own ability to properly control and retain a firearm in that situation. The UOFRB majority was critical of Officer Sanchez' claim to have clarity in thought and conversely describe being unclear and possibly unconscious. In addition, the UOFRB majority discussed that Officer Sanchez initially described observing a gun pointed at his head, describing Kenneth's actions in detail, and then after drawing his own pistol,

⁸⁷ Officer Sanchez' first transcribed statement to FID, Page 16, Lines 24-25, Page 17, Lines 1-5.

⁸⁸ Officer Sanchez' first transcribed statement to FID, Page 35, Lines 5-10.

⁸⁹ Officer Sanchez is currently the subject of a personnel complaint investigation related to this incident (CF No. 20-000266).

aiming for Kenneth's center body mass. Officer Sanchez later clouded his own statement with doubt when he stated that he experienced blurred vision and disorientation.

Furthermore, the UOFRB majority considered Officer Sanchez' statement of having heard a blast; however, there was no evidence to support that anyone else at that approximate time also heard a blast. During the UOFRB, FID investigators presented the surveillance video which did not depict other customers in the area reacting in a manner which would suggest that they heard a loud noise prior to Officer Sanchez opening fire. There was no indication of a change of movement or reaction of customers until Paola and Russell fell down to the ground after Officer Sanchez discharged his pistol. The UOFRB majority found Officer Sanchez' lack of forthcoming and unwillingness to divulge essential information, coupled with his general lack of cooperation to the responding CPD personnel to be troubling. The UOFRB majority determined that Officer Sanchez' Drawing/Exhibiting to be Out of Policy.

Note: According to FID investigators, with regard to whether or not witnesses recalled any loud noises prior to the incident, there was no indication of a loud, unexpected noise concurrent with Kenneth's physical assault on Officer Sanchez to which any store customer reacted to on available video.

The UOFRB minority reviewed the same set of facts and came to a different conclusion based on the review of the video, statements, and evidence. The UOFRB minority considered the statements made by Officer Sanchez to FID investigators over the course of two interviews with regard to the diagnosis of his injuries, which included a loss of consciousness, blunt force trauma to the head, and a fall to the ground. In addition, Kenneth had initiated an unprovoked attack on Officer Sanchez that occurred while Officer Sanchez was holding Noah. The UOFRB minority noted the combined evidence of seeing Boladian's facial expression, Officer Sanchez' belief that he was shot in the head and being physically struck hard enough to fall to the ground would cause any reasonable officer to believe he/she may need to draw their weapon for protection. As such, in that particular moment, there was a reasonable belief that the situation may escalate to the point where deadly force may be justified.

Utilizing statements from Officer Sanchez, the UOFRB minority opinion was focused on what Officer Sanchez believed to be of the facts articulated and perceived at the time of the incident. The assessment by Officer Sanchez of his injury resulting in a loss of consciousness due to the attack, when making the decision to draw his firearm, was in accordance with Department policy, specifically the, "Belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified." The UOFRB minority determined that Officer Sanchez was in accordance with the standard set forth of what was determined objectively reasonable and found no evidence that Officer Sanchez substantially deviated from

approved Department policy. The UOFRB minority determined Officer Sanchez' Drawing/Exhibiting to be In Policy.

The Chief considered Officer Sanchez' decision to draw his pistol after being struck in an unprovoked manner and closely scrutinized the evidence presented before me. The Chief analyzed Officer Sanchez' varying accounts and inconsistent statements regarding his assessment and articulation of Kenneth holding a weapon, specifically a firearm. This included a review of on scene BWV from CPD officers capturing Officer Sanchez' words contemporaneous to the OIS as well as Officer Sanchez' FID interviews. Officer Sanchez failed to properly assess the situation which led him to an untenable and unreasonable conclusion to unholster his weapon. Based on the totality of the circumstances and weighing all the available evidence, the UOFRB majority concluded, and the Chief concurred, that an officer with similar training and experience as Officer Sanchez, while faced with similar circumstances, would not reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officer Sanchez' Drawing/Exhibiting to be Out of Policy, Administrative Disapproval.

Use of Force – General⁹⁰

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*

⁹⁰ Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Lethal Use of Force

- *Law enforcement officers are authorized to use deadly force to:*
 - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
 - *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
 - *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

- **Officer Sanchez** – 9mm, 10 rounds in a southerly direction from an approximate distance of 15 feet.

First Volley (two rounds, according to Officer Sanchez)

Note: The FID investigation determined that Officer Sanchez fired a total of 10 rounds. Investigators from FID were unable to determine the exact sequence of fire.

According to Officer Sanchez, while Kenneth was in the aisle and in the process of raising his right arm in Officer Sanchez' direction, Kenneth simultaneously lowered

his chin while looking at Officer Sanchez and Noah. Officer Sanchez described Kenneth's demeanor as having a face of intensity, focus, and absolutely no fear in his eyes. As Kenneth continued to raise his right arm to an approximate 45-degree angle, Officer Sanchez believed that his life was in danger, Noah's life was in danger, and the other shoppers were in danger. Officer Sanchez stated he had a clear view of Kenneth in the middle of the aisle, from head-to-toe at the time Officer Sanchez fired. While lying on his back, Officer Sanchez raised his head, and while using a one-handed grip, extended his right arm and fired two shots towards the bakery in a southern direction at Kenneth's center body mass from a distance of approximately 15 feet. According to Officer Sanchez, he believed Kenneth was holding a gun at the time Officer Sanchez fired. Officer Sanchez experienced tunnel vision as Kenneth began to raise his right arm. Officer Sanchez stated his focus then moved to the front sight of his pistol as he aimed at Kenneth's chest. Officer Sanchez stated he shot to stop the threat.

Officer Sanchez recalled,

*...and I could see he was increasing his concentration on me. And when he began to lower his chin and raise his arm...*⁹¹

*Because it was a face of intensity, focus.*⁹²

*He had absolute no fear in his eyes as he walked. He also—he was also carrying the same black gun that I saw that was pointed towards my head...but he walked with an absolute mission -- purpose looking down at me, still holding that black, small handgun in his right hand...*⁹³

*One-handed*⁹⁴*...the right arm coming up and to a 45-degree angle.*⁹⁵

*towards the bakery in the south—south direction.*⁹⁶

When he stopped, and he turned his body to face me, my vision went towards my front sight, and he began to raise his right arm towards me and my little boy. I remember also there was other customers within the aisle. And I believed he was going to kill me, my son, and the shoppers that were there. And then I raised my

⁹¹ Officer Sanchez' first transcribed statement to FID, Page 91, Lines 21-24.

⁹² Officer Sanchez' first transcribed statement to FID, Page 24, Line 7.

⁹³ Officer Sanchez' first transcribed statement to FID, Page 16, Lines 16-19.

⁹⁴ Officer Sanchez' first transcribed statement to FID, Page 60, Lines 14.

⁹⁵ Officer Sanchez' first transcribed statement to FID, Page 24, Lines 16-17.

⁹⁶ Officer Sanchez' first transcribed statement to FID, Page 118, lines 8-9.

*weapon and I fired twice. My front sight was on him. I had a clear view of him from head to toe.*⁹⁷

*I was on my back.*⁹⁸ *...my arm was extended out...*⁹⁹

*And then that's when I aimed at his center body mass and I fired two shots.*¹⁰⁰

*I'd estimate 15 feet.*¹⁰¹

*I want to clarify that I did see a gun as the – right before the first volley as it was being raised.*¹⁰²

*And then my tunnel vision went directly into his chest and my front sight – or my front sight and his center body mass.*¹⁰³

*And I shot to stop the threat.*¹⁰⁴

Second Volley (two rounds, according to Officer Sanchez)

Note: The FID investigation determined that Officer Sanchez fired a total of 10 rounds. Investigators from FID were unable to determine the exact sequence of fire.

According to Officer Sanchez, he stated that after he fired his first two rounds, Kenneth fell in a manner that was still a threat because Kenneth was still facing Officer Sanchez with his arm still extended outward and his legs bent towards Kenneth's torso. Officer Sanchez stated that Kenneth still looked at him and Noah with a concentrated, intense look in his eye. Kenneth had a closed fist and was holding what Officer Sanchez believed was a gun. Kenneth raised his arm which Officer Sanchez described as consistent with him taking a shooting platform. While still on his back, Officer Sanchez again utilized a one-handed shooting grip and fired two additional rounds at Kenneth's chest area from a distance of approximately 15 feet. According to Officer Sanchez, all four rounds of both volleys were fired in a

⁹⁷ Officer Sanchez' first transcribed statement to FID, Page 17, Lines 5-14.

⁹⁸ Officer Sanchez' first transcribed statement to FID, Page 59, Lines 4-5.

⁹⁹ Officer Sanchez' first transcribed statement to FID, Page 61, Line 5.

¹⁰⁰ Officer Sanchez' first transcribed statement to FID, Page 23, Lines 2-3.

¹⁰¹ Officer Sanchez' first transcribed statement to FID, Page 126, Lines 5.

¹⁰² Officer Sanchez' first transcribed statement to FID, Page 136, Lines 23-25.

¹⁰³ Officer Sanchez' first transcribed statement to FID, Page 137, Lines 1-3.

¹⁰⁴ Officer Sanchez' first transcribed statement to FID, Page 18, Lines 7-8.

southern direction towards the bakery within two seconds and there was a clear view Kenneth in the aisle. Officer Sanchez also stated that due to the immediate need to take action, he was unable to give Kenneth commands prior to firing his rounds. After firing his last shot, Officer Sanchez stated Kenneth rolled onto his back and then into a “fetal position” on his left side. Kenneth’s back was toward Officer Sanchez and his arms were tucked underneath his body.

Officer Sanchez recalled,

*He went down after I fired twice. And then he fell in a manner that was still a threat to me and my son and the other Costco shoppers. His arm was still extended outward. He was still facing me. He still had a concentrated, intense look in his eyes, still looking at me and my son. I remember we were face-to-face and his arm was still extended out, and I believe he still had that same gun, and I fired twice more in his direction at him.*¹⁰⁵

*That he still had a closed fist, holding what I believe was a gun.*¹⁰⁶

*Him raising his arm consistent with him taking a shooting platform at me.*¹⁰⁷

*One-handed*¹⁰⁸ *...I lowered my weapon, I looked down, and I saw he fell in the position that was still presenting a threat towards me with his arm still extended out. ... and I aimed again my front sight at his chest, and I fired once. The tunnel vision was still – I could still see his chest and I believe that his arm was still extended outward, and I fired again.*¹⁰⁹

*Again, 15 feet.*¹¹⁰

*Two seconds... towards the bakery in the south—south direction.*¹¹¹

*But what I saw was the suspect and the clear view standing in the middle of the aisle from head to toe clear, and I believe I had a clear shot to stop that threat.*¹¹²

¹⁰⁵ Officer Sanchez' first transcribed statement to FID, Page 18, Lines 9-18.

¹⁰⁶ Officer Sanchez' first transcribed statement to FID, Page 121, Lines 4-5.

¹⁰⁷ Officer Sanchez' first transcribed statement to FID, Page 120, Lines 13-14.

¹⁰⁸ Officer Sanchez' first transcribed statement to FID, Page 60, Lines 14.

¹⁰⁹ Officer Sanchez' first transcribed statement to FID, Page 92, Lines 10-18.

¹¹⁰ Officer Sanchez' first transcribed statement to FID, Page 126, Lines 9.

¹¹¹ Officer Sanchez' first transcribed statement to FID, Page 125, Lines 8, Page 118, lines 8-9.

¹¹² Officer Sanchez' first transcribed statement to FID, Page 86, Lines 11-14.

*No, I couldn't. Again, because it was just immediate.*¹¹³

*After my second shot from my second set, when he was down and after he made himself into a fetal position away from me and my son, I stopped -- I stopped firing and I continued to cover him.*¹¹⁴

*... I believed it was still tucked under the suspect's arms still at that point.*¹¹⁵

When Officer Sanchez was asked by FID investigators if there was anyone in front or behind Kenneth when Officer Sanchez fired, Officer Sanchez replied, "No."¹¹⁶

Note: The FID investigation revealed that Kenneth had no personal property on him at the time of the incident. There were no witnesses who observed Kenneth armed with a firearm or in possession of any object that resembled a firearm. The only firearm recovered at the incident was possessed by Officer Sanchez. Officer Sanchez had no verifiable injuries.

In evaluating Officer Sanchez' use of lethal force, the UOFRB thoroughly examined the evidence and witness statements related this incident. The UOFRB determined that Officer Sanchez' account of the incident had various inconsistencies. Evidence and witness statements did not support Officer Sanchez perception of the incident with regard to the application of lethal force.

The UOFRB acknowledged that based on a preponderance of the evidence, Officer Sanchez was struck by Kenneth without provocation. The UOFRB noted that Officer Sanchez stated he believed he had sustained a gunshot wound to his head. This belief started the series of events which culminated in Officer Sanchez discharging his pistol. Officer Sanchez stated that he fell down to the ground and momentarily lost consciousness and was paralyzed from the injury. These perceptions of Officer Sanchez contributed to Officer Sanchez' belief that the incident was escalating. After the OIS, Officer Sanchez received medical treatment and underwent a series of exams. Officer Sanchez did not have any verifiable injuries. The UOFRB noted that there was no evidence to support Officer Sanchez' belief that he had sustained a significant injury. Of additional concern to the UOFRB was that Officer Sanchez was discovered lying on the ground directly in front (south) of the Aidells booth by Officer Slane. Officer Sanchez remained lying on the ground in that location for a period of time. The FID investigation determined that at least two of Officer Sanchez' rounds were fired from a position near the west side of the Aidells booth, consistent with where Officer Sanchez placed himself during the walk-through.

¹¹³ Officer Sanchez' first transcribed statement to FID, Page 47, Lines 1, 8-9.

¹¹⁴ Officer Sanchez' first transcribed statement to FID, Page 26, Lines 7-12.

¹¹⁵ Officer Sanchez' first transcribed statement to FID, Page 132, Lines 13-14.

¹¹⁶ Officer Sanchez' first transcribed statement to FID, Page 41, Lines 1-2.

Officer Sanchez stated that he did not move or change position after falling to the floor and firing his pistol. The discrepancy between the two locations was not resolved during the FID investigation and was noted by the UOFRB.

The UOFRB noted that Officer Sanchez believed Kenneth was armed with a firearm. No other witnesses stated they observed Kenneth in possession of a firearm. No objects from Kenneth were recovered during the investigation which resembled a firearm. There were no factors that the UOFRB could identify that supported a basis for what Officer Sanchez stated was a belief that Kenneth was armed with a firearm and had shot Officer Sanchez. During the UOFRB, FID investigators presented that at the approximate time of the OIS, Kenneth was moving down an aisle with Russell, away from Officer Sanchez.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Sanchez, would not reasonably believe that the suspect's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would not be objectively reasonable.

Therefore, the Chief found Officer Sanchez' use of lethal force to be Out of Policy, Administrative Disapproval.

Additional/Equipment

- **Department Operations Center (DOC) Notification** – The Watch Commander's Daily Report, dated June 14, 2019, indicated an initial incident notification time by CPD Detective Painter to the Watch Commander of Southwest Patrol Division at 2130 hours. The incident was reported to the DOC at 2235 hours at the direction of Captain D. Shah, Serial No. 34245, Commanding Officer, Southwest Patrol Division. Captain Shah notified the DOC after he was able to verify the details of the incident with additional information from CPD.

- **Audio/Video Recordings**

Digital In-Car Video System (DICVS) – According to CPD, there were 19 DICVS videos from CPD police vehicles that responded to this incident after the OIS and were parked outside of the Costco store. The videos were reviewed by FID investigators.

Body Worn Video (BWV) – According to CPD, there were 23 BWVs from CPD officers that responded to this incident after the OIS. The videos captured various portions of the incident, including statements made after the OIS by Officer Sanchez and witnesses.

Outside Video – The Costco store was equipped with 46 security cameras mounted at various locations inside and outside of the building at the time of this

incident. The cameras were labeled based on their location and recorded at 10 frames per second without audio. The only camera found to have captured a portion of this incident was designated “Camera Centers (3)” and was mounted 15 feet above the floor and approximately 150 feet from the Aidells booth.¹¹⁷

Social Media – Social media sites and news organizations were monitored from the date of the incident by FID investigators. This incident was publicized by local news outlets and was discussed by several individuals on various social media posts. Additionally, there were multiple printed news articles related to this incident, as well as post-OIS cell phone videos circulating in the media. FID investigators reviewed all the information and coordinated with CPD investigators to ensure attempts were made to identify and interview all potential witnesses to this incident.

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¹¹⁷ According to the FID investigation, CPD Detective D. Sailer obtained all the video from Costco's security system and verified that the time stamps were accurate.

INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-escalation

- The OIG concurs with the Chief's conclusion that Officer Sanchez's performance during this incident was an unjustified and substantial deviation from the Department's de-escalation training.

Officer Sanchez's accounts of his assessment of the situation, which included claimed beliefs that he had been seriously injured and that Kenneth was armed with a pistol, varied significantly between the statements he made in the immediate aftermath of the incident and those he made in the subsequent FID interviews. Moreover, Officer Sanchez's accounts of the incident were almost entirely at odds with the physical evidence, video evidence, and witness testimony.

In addition to his deficient assessment of the situation, Officer Sanchez failed to use available time to ascertain what was taking place and to determine the appropriate course of action. During the time in which Officer Sanchez drew his weapon and shot Paola, Russell, and Kenneth, the initial assault had ceased. Furthermore, Kenneth was moving away from Officer Sanchez and was positioned with his back toward Officer Sanchez at this time. This set of circumstances did not present an exigency requiring an immediate forceful response.

Officer Sanchez also did not establish effective lines of communication with the CPD officers upon their arrival at the scene. Of particular note is that he did not promptly identify himself as the shooter during the incident, and that he did not provide critical information when asked whether there was an outstanding suspect. By failing to inform CPD that he was the shooter and that there was no outstanding suspect,

Officer Sanchez unnecessarily prolonged CPD's impression that there may have been an outstanding shooter. This failure to communicate critically important information caused a delay in the response of medical personnel to the injured victims.

BWV and DICVS Policy Compliance

- Officer Sanchez was off-duty at the time of this OIS. No LAPD personnel responded to this incident in a capacity requiring the activation of BWV or DICVS.

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
41084	Sanchez, Salvador	N/A	N/A	N/A	N/A	N/A

Additional

- As noted in the Chief's Report, Officer Sanchez was assigned to home following the incident and was subsequently relieved from duty, effectively removing his police powers.
- A personnel complaint, CF No. 20-000266, has been generated in connection with this incident. The allegations listed in the complaint, based on claims for damages from the French family, include excessive force, illegal detention, and failure to provide medical attention. The Department has indicated to the OIG that, in addition to any Out of Policy findings the BOPC might arrive at in adjudicating this case, an allegation of making false and misleading statements will be included in the personnel complaint.¹¹⁸

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.

Drawing/Exhibiting

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.

¹¹⁸ Information provided to the OIG by Internal Affairs Group on 5/28/20.

- The OIG's evaluation of Officer Sanchez's use of lethal force included consideration of the following factors:
 - Although Officer Sanchez was struck by Kenneth, the strike did not result in any verified injury to Officer Sanchez. Nor did Officer Sanchez sustain any injuries that might be associated with a fall to the ground. Furthermore, there was no evidence to indicate that either Officer Sanchez or anyone else expressed concern about whether Noah might have sustained an injury consistent with Officer Sanchez taking an uncontrolled fall while holding him (Noah).
 - The available evidence refutes Officer Sanchez's statement to FID that he saw Kenneth in possession of a handgun, and it establishes that Kenneth was not in possession of any other object that might have been mistaken for a firearm.
 - At the time Officer Sanchez fired his rounds, he was not subject to an ongoing assault, and Kenneth was being pushed away from him by Russell. Furthermore, video and physical evidence established that Kenneth was facing away from Officer Sanchez at time of the shooting.
 - Officer Sanchez made inconsistent statements regarding the threat that he claimed to have perceived during this incident, and all such claims were refuted by other evidence.

The evidence in this case, including the above-noted factors, establishes that there was no objectively reasonable basis for Officer Sanchez to believe that he faced an imminent threat of death or serious bodily injury at the time he used deadly force.



Mark P. Smith
Inspector General